

Request for Reconsideration after Final Action

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MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/79975153/large
LITERAL ELEMENT	JACKALOPE
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
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DESCRIPTION OF EVIDENCE FILE	a Request for Reconsideration arguments and evidence in support of registration.
GOODS AND/OR SERVICES SECTION (025)(class deleted)	
GOODS AND/OR SERVICES SECTION (043)(no change)	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Julianne A. Henley/
SIGNATORY'S NAME	Julianne A. Henley
SIGNATORY'S	Attorney for Applicant, Washington and California state bar member

POSITION	
SIGNATORY'S PHONE NUMBER	206.464.3939
DATE SIGNED	09/08/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 08 21:08:00 EDT 2016
TEAS STAMP	USPTO/RFR-XXX.XX.XX.XX-20 160908210800402933-799751 53-550f9ecb4e4d8d3567f624 62524ecba8cead224e07f62eb 2d13fb6a7e1c62a47d-N/A-N/ A-20160908205145763864

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79975153** JACKALOPE (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/79975153/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of a Request for Reconsideration arguments and evidence in support of registration. has been attached.

Original PDF file:

[evi_209632550-20160908205145763864_. OPE - Request for Reconsideration for 79975153_8029010_v 1_.PDF](#)

Converted PDF file(s) (21 pages)

[Evidence-1](#)

[Evidence-2](#)

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[Evidence-5](#)

[Evidence-6](#)

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[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 025 for Baseball shirts; casual shirts; denim shirts; dress shirts; formal shirts; open-necked shirts; polo shirts; printed T-shirts; rugby shirts; shirt fronts; shirt jackets; shirts; short-sleeve shirts; sports shirts; T-shirts; tee-shirts; woven shirts; baseball caps; bathing caps; beach caps; cap peaks; caps (headwear); flat caps; shower caps; slumber caps; sports caps; swimming caps

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Julianne A. Henley/ Date: 09/08/2016

Signatory's Name: Julianne A. Henley

Signatory's Position: Attorney for Applicant, Washington and California state bar member

Signatory's Phone Number: 206.464.3939

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79975153

Internet Transmission Date: Thu Sep 08 21:08:00 EDT 2016

TEAS Stamp: USPTO/RFR-XXX.XX.XX.XX-20160908210800402

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JKLP IP Pty Ltd
Serial No.: 79/975,153
Mark:
Classes: 25 & 43
Office Action Date: March 8, 2016
Examining Attorney: Ronald L. Fairbanks

Jackalope

**REQUEST FOR
RECONSIDERATION**

This Request for Reconsideration ("Request") is filed in response to the Final Office Action issued on March 8, 2016 ("Action") refusing registration of the JACKALOPE (Stylized) trademark ("Mark") shown above, as set forth in United States Patent and Trademark Office ("PTO") Serial No. 79/975,153 ("Application") filed by JKLP IP Pty Ltd ("Applicant"). A corresponding Appeal is being filed with the Trademark Trial and Appeal Board.

In the Action, the Examining Attorney refused registration of Applicant's Mark on the Principal Register due to concerns that Applicant's Mark may cause confusion with Jason Burton dba The Jackalope's ("Registrant") PTO Registration No. 4,128,414 for THE JACKALOPE & Design of Texas, Women, Beer Mug, and a Jackalope in Class 43 ("Citation"), as well as Jackalopes Holdings, LLC's ("Registrant 2") PTO Registration No. 3,236,685 for JACKALOPES in Class 25 ("Citation 2"). Applicant respectfully disagrees with the Examining Attorney's concerns for the reasons set forth below, and requests that its Application be amended as requested in this Request, and approved for publication.

Alternatively, if Applicant's Application is not approved for publication in light of the significant evidence and arguments set forth in this Request, Applicant respectfully requests that this Application be suspended in light of Applicant's Petition for Cancellation, filed against the Citation on September 8, 2016 ("Petition"). See **Exhibit A**.

I. Deletion of Class 25

For independent business reasons, Applicant respectfully requests that all goods in Class 25 be deleted from its Application. Applicant has reflected this request in the electronic form for this Request. Accordingly, Applicant respectfully requests that the PTO withdraw its likelihood of confusion refusal predicated on Registrant 2's Citation 2, since Citation 2 solely consisted of Class 25 goods, and Applicant's Application no longer seeks registration in connection with Class 25 goods. In addition, Applicant's deletion of Class 25 obviates the need to clarify Applicant's Class 25 goods, as requested in the Action.

In light of this amendment, Applicant respectfully requests that its Application proceed to publication in connection with Applicant's Class 43 services, for the reasons set forth below.

II. No Likelihood of Confusion

Applicant's Mark is not likely to cause confusion with Registrant's Citation in Class 43, as illustrated by the following factors:

- A. Applicant's Mark and the Citation differ in sight, sound, connotation, and commercial impression.
- B. Applicant's services are not closely related to Registrant's services.
- C. Applicant's trade channels are distinct from Registrant's trade channels.
- D. Applicant's purchasers are sophisticated.
- E. The Citation is not unique to Registrant, and Applicant's Mark is entitled to join the crowded field.

F. Applicant's Mark is entitled to register because a theoretical risk of confusion is not an appropriate basis for denying registration.

In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 1361-62, 177 USPQ 563, 567 (C.C.P.A. 1973); Bongrain Int'l (American) Corp. v. Delice de France, Inc., 1 U.S.P.Q.2d 1775, 1779 (Fed. Cir. 1987).

1. Applicant's Mark and the Citation Differ in Sight, Sound, Connotation, and Commercial Impression.

Applicant's Mark differs from the Citation in sight, sound, connotation, and commercial impression, rendering confusion between the two marks unlikely. This factor alone is often dispositive in determining whether confusion is likely to occur. *See, e.g., In re Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 47 U.S.P.Q.2d 1459 (Fed. Cir. 1998).

a. Dissimilar Appearance & Sound

Applicant's Mark is visually and aurally distinguishable from the Citation. As the following mark comparisons demonstrate, the addition of a term, or variation of even one or two letters, can be sufficient to render two marks visually and aurally distinct.

Comparison of Marks Held Not Likely To Cause Confusion			
Mark 1	Goods/Services	Mark 2	Goods/Services
ALL ¹	Household Cleaners	ALL CLEAR!	Household Cleaners
AK ²	Clothing	AK AMERICAN KHAKIS	Clothing
BOSTON TEA PARTY ³	Tea	BOSTON SEA PARTY	Restaurant Services
B.V.D. ⁴	Clothing	B.A.D.	Clothing
CLUB ⁵	Crackers	JACOB'S CLUB	Biscuits
CRISTAL ⁶	Wine	CRYSTAL CREEK	Wine
DIGIRAY ⁷	X-Ray Sensors	DIGIRAD	Radiation Sensors
FRUIT OF THE LOOM ⁸	Clothing	FRUIT OF THE EARTH	Personal Care Products
K+ ⁹	Dietary Supplement	K+EFF	Dietary Supplement
MAGNIVISION ¹⁰	Eyeglass Display Racks	MAGNA . DOT	Eyeglass Display Racks
MARSHALL FIELD'S ¹¹	Baked Goods	MRS. FIELDS	Baked Goods

¹ Lever Bros. Co. v. Barcolene Co., 463 F.2d 1107 (C.C.P.A. 1972).

² In re TSI Brands, Inc., 67 U.S.P.Q.2d 1657 (TTAB 2002).

³ Jacobs v. International Multifoods Corp., 668 F.2d 1234 (C.C.P.A. 1982).

⁴ B.V.D. Licensing Corp. v. Body Action Design, Inc., 846 F.2d 727 (Fed. Cir. 1988).

⁵ Keebler Company v. Associated Biscuits Limited, 207 U.S.P.Q. 1034 (TTAB 1980).

⁶ In re Champagne Louis Roederer, S.A. v. Delicato Vineyards, 47 U.S.P.Q.2d 1459 (Fed. Cir. 1998).

⁷ In re Digirad Corp., 45 U.S.P.Q.2d 1841 (TTAB 1998).

⁸ Fruit of Loom, Inc. v. Fruit of Earth, Inc., 3 U.S.P.Q.2d 1531 (TTAB 1987).

⁹ In re Electrolyte Labs, Inc., 16 U.S.P.Q.2d 1239, 1240 (Fed. Cir. 1990).

¹⁰ Al-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308 (Fed. Cir. 1999).

Comparison of Marks Held Not Likely To Cause Confusion			
Mark 1	Goods/Services	Mark 2	Goods/Services
RITZ ¹²	Kitchen Textiles	THE RITZ KIDS	Clothing
ROMAN ¹³	Food Products	ROMANBURGER	Food Products
SPORTS CLUB ¹⁴	Cologne	INTERNATIONAL SPORTS CLUB	Clothing
THE SPORTS AUTHORITY ¹⁵	Retail Services	THE PERSONAL COMPUTER AUTHORITY	Computer Services
TIC TAC ¹⁶	Candy	TIC TAC TOE	Ice Cream
VARGAS ¹⁷	Calendars	VARGA GIRL	Calendars
VOGUE ¹⁸	Magazines	COUNTRY VOGUES	Clothing

Visual differences are important in the likelihood of confusion analysis because they alter the overall consumer impression associated with the marks. *See, e.g., In re Electrolyte Labs, Inc.*, 16 U.S.P.Q.2d at 1240. The addition of a term is considered significant in the likelihood of confusion analysis even when that term is disclaimed. *In re TSI Brands, Inc.*, 16 U.S.P.Q.2d at 1663. Under the anti-dissection rule, the likelihood of confusion inquiry examines the commercial impression of both marks *in their entirety*, not one component of each mark. *In re Hearst Corp.*, 25 U.S.P.Q.2d at 1239. In holding that the above marks were

¹¹ *Marshall Field & Co. v. Mrs. Field's Cookies*, 25 U.S.P.Q.2d 1321 (TTAB 1992).

¹² TMEP § 1207.01(b)(iii), *citing Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238 (Fed. Cir. 2004).

¹³ *Mr. Hero Sandwich Systems, Inc. v. Roman Meal Co.*, 781 F.2d 884 (Fed. Cir. 1986).

¹⁴ *In re Jacques Bernier Inc.*, 1 U.S.P.Q.2d 1924 (TTAB 1987).

¹⁵ *Sports Authority Michigan Inc. v. PC Authority Inc.*, 63 U.S.P.Q.2d 1782 (TTAB 2002).


¹⁶ *In re Ferrero*, 479 F.2d 1395 (C.C.P.A. 1973).

¹⁷ *In re Hearst Corp.*, 25 U.S.P.Q.2d 1238 (Fed. Cir. 1992).

¹⁸ *Conde Nast Publications, Inc. v. Miss Quality, Inc.*, 507 F.2d 1404 (C.C.P.A. 1975).

dissimilar, the Board and Court cited the dissimilar appearance, sound, and commercial impression of the marks. *See, e.g., In re Champagne Louis Roederer, S.A.*, 148 F.3d at 1375.

Like the marks in the above chart, Applicant's JACKALOPE (Stylized) trademark is visually and aurally distinct from Registrant's THE JACKALOPE & Design of Texas, Women, Beer Mug, and a Jackalope trademark.

Applicant's Mark	Citation
	

As demonstrated above, Applicant's Mark varies from the Citation by the deletion of the term "THE," and the absence of a dominant design feature.

In Applicant's Mark, "JACKALOPE" appears in isolation. Applicant's one (1) word, nine (9) letter, three (3) syllable trademark stands in contrast to Registrant's two (2) word, twelve (12) letter, four (4) syllable trademark. In fact, the differences between Applicant's Mark and the Citation are even more striking than many of the marks in the above comparison chart, even without consideration of the dominant design element in the Citation.

Applicant's Mark is aurally distinguishable from the Citation for the same reasons they are distinguishable visually. In addition, the Citation is overwhelmingly consumed by the dominant design feature, which changes the connotation of the Citation, as detailed

below. Consumers can easily distinguish between the obvious visual and aural differences between the parties' respective marks. Therefore, this Du Pont factor weighs heavily in Applicant's favor.

b. Disparate Connotations and Commercial Impressions

Applicant's and Registrant's marks also convey very different connotations and commercial impressions. To be held confusingly similar, two marks must evoke similar meanings to ordinary customers. TMEP § 1207.01(b)(v). Standard dictionary definitions are relevant evidence in determining whether consumer confusion is likely to occur. See Gravel Cologne, Inc. v. Lawrence Palmer, Inc., 176 U.S.P.Q. 123 (C.C.A.P. 1972) (Webster's Third New International Dictionary definition for "on the rocks" used to determine commercial connotation of applicant's mark).

Even identical marks can convey distinct meanings. TMEP § 1207.01(b)(v). For example, the Board found no confusion between CROSS-OVER for bras and CROSSOVER for ladies' sportswear, PLAYERS for men's underwear and PLAYERS for shoes, or BOTTOMS UP for ladies' and children's underwear and BOTTOMS UP for men's underwear because the Board held that consumers would attach dissimilar meanings the marks. Id., citing In re Sears, Roebuck and Co., 2 U.S.P.Q.2d 1312 (TTAB 1987) (CROSS-OVER suggestive of construction of bras whereas CROSSOVER arbitrary of sportswear); In re British Bulldog, Ltd., 224 U.S.P.Q. 854 (TTAB 1984) (PLAYERS implies fit, style, color, and durability of shoes for outdoor activities whereas PLAYERS implies indoor activity in connection with underwear); In re Sydel Lingerie Co., Inc., 197 U.S.P.Q. 629 (TTAB 1977)

(BOTTOMS UP connotes drinking phrase in connection with men's clothing but not in connection with women's and children's clothing).

Here, Applicant's Mark appears in a modern font, and without any design elements. Applicant's Mark is filed in connection with "inn keeping, namely, providing bar and restaurant accommodations; hotel catering services; bar services; wine bar services; coffee bar and coffee house services; salad bar restaurant services; restaurant reservation services; restaurant reservation services, namely, booking of restaurant places and booking of restaurant seats; restaurant services; restaurants; self-service restaurants; theatre restaurants" ("Applicant's Services"). In this context, Applicant's JACKALOPE (Stylized) trademark is arbitrary and has no connection to Applicant's Services. Moreover, dictionaries do not even contain dictionary definitions for JACKALOPE. See **Exhibit B**. As an arbitrary mark, consumers are likely to quickly and exclusively associate Applicant's Mark as a distinctive brand for Applicant's Services because arbitrary marks are inherently distinctive. TMEP § 1209.01.

In stark contrast, Registrant's use of the phrase "THE JACKALOPE," in connection with restaurant and bar services ("Registrant's Services") clearly evokes the idea of a playboy bar patron. In Registrant's Citation, the addition of the term "THE" is significant. Specifically, "THE" modifies the term "JACKALOPE" to evoke a sense of an individual ("THE JACKALOPE"). This meaning is further enhanced by the design which dominates the commercial impression of the Citation. Specifically, the Citation consists of a large, black rectangle featuring (a) two scantily clad women, (b) snuggling a mythical jackalope creature, (c) holding a frothy mug of beer, (d) in front of the state of Texas and a field of stars, with (e) "THE JACKALOPE" appearing in a cartoonish font. It is clear from this

depiction that “THE JACKALOPE” refers not only to an individual, but specifically to a playboy who drinks, surrounded by female companionship. The overall commercial impression of the “THE JACKALOPE” in the context of the Citation is therefore that of a partying playboy. None of these connotations is present in Applicant’s Mark. Accordingly, the connotations and commercial impressions created by Applicant’s Mark and Registrant’s Citation are entirely distinct.

Consumers are unlikely to associate Applicant’s Mark with Registrant’s Citation due to these severe differences. Like the marks in Sears, British Bulldog, and Sydel, consumers will not believe Applicant’s and Registrant’s respective services are related given the very different connotations and commercial impressions created by their respective trademarks. Accordingly, this Du Pont factor weighs heavily in Applicant’s favor.

2. Applicant’s and Registrant’s Services are Distinguishable

Even among identical marks, confusion is not likely to occur under 15 U.S.C. § 1052(d) ("Section 2(d)") if consumers are unlikely to assume that that parties' services originate from the same source. TMEP § 1207.01(a)(i). To support a refusal to register a mark under Section 2(d), the Examining Attorney is required to provide *evidence* showing that the parties' services are *related*. TMEP § 1207.01(a)(vi).

To be considered "related," the parties' services must be used in related fields, and for related purposes. In re Total Quality Group Inc., 51 U.S.P.Q.2d 1474 (TTAB 1999) (likelihood of confusion refusal affirmed where econometric financial analysis software programs were used by the same customers).

In this case, the Examining Attorney provided evidence from the USPTO’s X-Search database consisting of third-party registrations that list services presumed to be provided by the Applicant and Citation (“USPTO Evidence”) as evidence that Applicant’s Services and Registrant’s Services are of a kind that *may* emanate from a single source. Applicant respectfully disagrees that the USPTO Evidence establishes a clear nexus between Applicant’s Services and Registrant’s Services, warranting a denial of federal registration to Applicant’s Application, because the USPTO Evidence (a) is sparse and (b) has no bearing on how consumers view brands in the marketplace.

a. The USPTO Evidence Is Sparse

At best, the USPTO Evidence establishes that there are a small number of trademark registrations that include some of Applicant’s Services and Registrant’s Services. In the chart that follows, we have summarized Applicant’s Services, Registrant’s Services, and the USPTO Evidence that includes services of both parties (“Overlapping Services”).

Comparison of Applicant’s Services, Registrant’s Services, and USPTO Evidence		
Applicant’s Services	USPTO Evidence	Registrant’s Services
Inn Keeping (or other Accommodation Services)	Reg Nos. <ul style="list-style-type: none"> • 3609193 • 3754567 • 4518003 • 4804796 • 4634474 • 4654588 • 4885269 • 4908312 	No Inn Keeping Services
Restaurant reservation services	Reg Nos. <ul style="list-style-type: none"> • 3754567 • 4518003 • 4804796 • 4873472 • 4885269 • 4899552 • 4908312 	No Reservation Services

Comparison of Applicant's Services, Registrant's Services, and USPTO Evidence		
Applicant's Services	USPTO Evidence	Registrant's Services
Hotel catering services	Reg Nos. <ul style="list-style-type: none"> • 3609193 • 3754567 • 4518003 • 4804796 • 4654588 • 4885269 	No Catering Services
Coffee bar and coffee house services (provision of food and drink)	Reg Nos. <ul style="list-style-type: none"> • 4885269 • 4908312 	No Coffee Services
Restaurants; restaurant services; bar services; wine bar services; salad bar restaurant services; theatre restaurants (provision of food and drink)	Reg Nos. <ul style="list-style-type: none"> • 3609193 • 3754567 • 4518003 • 4804796 • 4634474 • 4654588 • 4873472 • 4885269 • 4899552 • 4908312 	Restaurant Services Bar Services

By category, the USPTO Evidence equates to:

- Two (2) third-party registrations containing Overlapping Services in the coffee services category.
- Six (6) third-party registrations containing Overlapping Services in the catering services category (and most consisted of general catering services, not hotel catering services like Applicant's identification).
- Seven (7) third-party registrations containing Overlapping Services in the restaurant reservation services category.
- Eight (8) third-party registrations containing Overlapping Services in the accommodation services category (and most did not include "inn keeping" services like Applicant's identification).
- Ten (10) third-party registrations containing Overlapping Services in the restaurant and bar services category.
- A total of ten (10) third-party registrations containing Overlapping Services.

As these statistics make clear, of the forty-seven thousand, nine hundred and eighty-five (47,985) active, Class 43 registrations for accommodation, restaurant, reservation, catering, coffee, restaurant, bar, and theatre services ("Class 43 Registrations")

See **Exhibit C**, a small fraction totaling less than one percent (precisely, .02%) contain some degree of Overlapping Services. As these statistics make clear, a statistically insignificant

number of Class 43 Registrations share Applicant's Services and Registrant's Services. By far, the majority overlap is for restaurant and bar services, which are contained in both Applicant's Services and Registrant's Services. This sparse evidence is insufficient to establish a clear nexus between the parties' respective services overall, and does not establish that consumers are likely to assume the services of Applicant and Registrant share common origins. This is particularly true when the distinct nature of the marks is considered.

b. The USPTO Evidence Has No Bearing on Consumer Perceptions

At its core, the likelihood of confusion analysis is designed to predict how consumers will perceive two brands in the marketplace. The fact that a statistically insignificant number of Class 43 Registrations share certain services has no bearing on consumer perceptions in the marketplace. Even the Internet Evidence proffered by the PTO did not contain a single example of an inn or other accommodation provider using its accommodation brand as the name of its on-site restaurants or bars, as detailed below. Based on the Internet Evidence and USPTO Evidence provided, there is no evidence to suggest that consumers will assume that Applicant's Services and Registrant's Services emanate from the same source.

In The Inner Circle, Inc. v. Holiday Inns, Inc., 203 U.S.P.Q. 427 (S.D. Ohio 1978), a similar situation was presented. The Inner Circle, Inc. registered INNER CIRCLE RESTAURANT AND LOUNGE for use with restaurant services. Id. Defendant, Holiday Inns, Inc., operated a hotel chain and provided "some food service facility in connection with its hotel services." Id. Holiday Inns' use of INNER CIRCLE and HOLIDAY INN INNER CIRCLE was challenged by The Inner Circle as an infringement of its trademark rights. Id. The Court held that "the services provided by the parties are relatively distinct. While it is true that the defendant does provide restaurant services, this service is only incidental to its

primary business of hotel and motel services...it is...apparent that the parties address their distinct services to different classes of customers.” Id.

Likewise, Applicant’s accommodation and reservation services are unlikely to be confused with Registrant’s restaurant and bar services. Given that the PTO has not satisfied its burden of providing evidence that the services of the parties are related, such that consumer confusion is likely to occur, this Du Pont factor weighs heavily in Applicant’s favor.

3. Applicant’s and Registrant’s Trade Channels are Distinct.

Confusion is unlikely to occur if the marks are promoted in different trade channels because confusion requires overlapping consumers. J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition ("McCarthy"), § 24:51 (4th ed. 2008). During examination, the PTO may only consider *normal* trade channels and *typical* classes of purchasers, not all conceivable avenues or groups. See In re Elbaum, 211 U.S.P.Q. 639 (TTAB 1981).

The Board and Court of Appeals for the Federal Circuit weigh trade channel inquiries narrowly when determining whether a Section 2(d) refusal is warranted. In fact, the following trade channels have been deemed dissimilar: sheet metal presses and sheet metal¹⁹ (DRC held not confusingly similar to DRC), retail laundry/dry cleaning services and commercial dry cleaning machine filters²⁰ (PURITAN held not confusingly similar to PURITAN), photographic cameras and photographic development products²¹ (DYNAFAX

¹⁹ Dynamics Research Corp. v. Langenau Mfg. Co., 704 F.2d 1575, 217 U.S.P.Q. 649 (Fed. Cir. 1983).

²⁰ In re Shipp, 4 U.S.P.Q.2d 1174 (TTAB 1987).

²¹ Dynacolor Corp. v. Beckman & Whitley, Inc., 134 U.S.P.Q. 410, 412 (TTAB 1962).

held not confusingly similar to DYNAFIX), and industrial thread and retail fabric²² (WONDERTHREAD held not confusingly similar to WONDERCORD BY DAVID CRYSTAL). In each of these cases, confusion was deemed unlikely to occur because the channels of trade, and therefore consumers, were distinct.

Here, the trade channels of Applicant and Registrant are also distinct. In the Action, the Examining Attorney provided Internet evidence that the APPLEBEE'S, T.G.I.FRIDAY'S, and OLIVE GARDEN restaurant chains simultaneously provide both food and drinks ("Internet Evidence"). The Internet Evidence was intended to support the proposition that Applicant's Services and Registrant's Services are provided through the same *trade channels*.

While it is true that many inns and other accommodation providers have room service and other dining capabilities, the Internet Evidence does not establish a reciprocal relationship, nor does it establish that Applicant's Services and Registrant's Services are provided in the same trade channels. For example, it is reasonable for an inn customer to expect food or beverage services in or near their accommodations. However, the reverse is not true: restaurant and bar patrons do not expect lodging to be provided with their meal.

The The Inner Circle, Inc. case clarifies that food services in hotels are typically incidental to the primary services being provided: lodging. The same is true of inn keeping services. Moreover, as the Internet Evidence makes clear, restaurants and bars do not typically provide overnight accommodations. *See* Internet Evidence. For example, the Internet Evidence is devoid of any mention of overnight accommodations or room service. Id.

²² David Crystal, Inc. v. Soo Valley Co., 471 F.2d 1245, 176 U.S.P.Q. 326 (C.C.P.A. 1973).

Turning more specifically to the question of trade channels, Applicant's inn keeping consumers are in most instances going to encounter Applicant and Applicant's Services from a distance via the Internet or through other remote means. It is unusual for a lodging consumer to happen upon an inn and make a reservation in person. In contrast, Registrant's consumers are in most instances going to encounter Registrant and Registrant's Services in person. In fact, it is unusual (if not unheard of) for bars to accept reservations of any kind. Thus, the trade channels of Applicant's inn keeping consumers and Registrant's consumers are likely distinct. In the absence of any overlap between potential consumers, there can be no likelihood of confusion between Applicant's Mark and the Citation. *See Dynamics Research Corp. v. Langenau Mfg. Co.*, 704 F.2d 1575, 217 U.S.P.Q. 649 (Fed. Cir. 1983). This evidence demonstrates that this Du Pont factor also weighs heavily in Applicant's favor.

While it is true that Applicant and Registrant each provide, or plan to provide, restaurant and bar services, the overlap of these Class 43 services is not dispositive. Other factors, including the differences between the marks, the trade channels utilized by both parties, and Registrant's failure to use his registered mark, as detailed in Applicant's Petition, should be afforded considerable weight.

4. Applicant's Purchasers are Sophisticated.

Purchaser "sophistication is important and often dispositive because sophisticated consumers ... exercise greater care." Electronic Design & Sales v. Electronic Data System, 21 U.S.P.Q. 2d 1388, 1392 (Fed. Cir. 1992). Confusion is less likely to occur when sophisticated purchasers and expensive services are involved because sophisticated consumers are deliberate, thoughtful, and therefore not easily confused. Weiss Assoc., Inc.

v. HRL Assoc. Inc., 902 F.2d 1546, 14 U.S.P.Q.2d 1840 (Fed. Cir. 1990); Magnaflux Corp. v. Sonoflux Corp., 231 F.2d 669, 109 U.S.P.Q. 313 (C.C.P.A. 1956); TMEP § 1207.01(d)(vii). "Where the . . . buyer class consists of sophisticated or professional purchasers, courts have generally not found Lanham Act violations." Checkpoint Sys., Inc. v. Check Point Software Techs., Inc., 60 U.S.P.Q.2d 1609, 1617 (3d Cir. 2001).

In this case, purchasers of Applicant's services will be sophisticated, educated consumers who are carefully selecting the inn they would like to stay at for one or more evenings, the caterer they would like to use for their important event, and the theatre experience they would like to enjoy. These are not purchasing decisions that are made lightly, or without considerable expense. Applicant's sophisticated and educated consumers will not be easily confused. Certainly, a consumer will not mistake Applicant's sophisticated services for a playboy-esque restaurant and bar ambiance, like the one depicted in Registrant's Citation. Accordingly, this Du Pont factor also weighs heavily in Applicant's favor.

5. A Crowded Field Exists.

The Citation's use of "JACK," and even "JACKALOPE," is not unique to Registrant. Applicant's Mark is entitled to join the crowded field of "JACK" and "JACKALOPE" trademarks that are registered simultaneously. This Du Pont factor, the number and nature of similar marks in use on similar offerings, is essential to the likelihood of confusion analysis because it influences the degree of care exercised by consumers. *See* TMEP § 1207.01(d)(iii).


A June 6, 2016 search of the PTO TESS database revealed the following statistics:

- Twenty-five (25) active JACKALOPE filings.





- Twelve (12) co-existing JACKALOPE registrations.
- At least nine (9) co-existing JACKALOPE registrations with offerings that are arguably related to Registrant's Services, owned by at least seven (7) distinct owners ("Co-Existing Registrations").
- One hundred and twenty-two (122) JACK or JACKALOPE registrations in Class 43.
- One hundred and seventy-three (173) JACK or JACKALOPE registrations for "bar" or "restaurant" offerings.
- Ninety-two (92) JACK or JACKALOPE registrations for "bar" or "restaurant" services in Class 43.

See **Exhibit D** for PTO TESS database statistic details.

Focusing solely on the Co-Existing Registrations featuring the exact phrase "JACKALOPE," it is clear that a crowded field of co-existing trademarks exists. Specifically, each of the Co-Existing Registrations share a close nexus with restaurant and bar services. The Co-Existing Registrations are included in **Exhibit E** and summarized chronologically below:

Co-Existing Registrations – Listed Chronologically by Filing Date				
Mark	Class, Goods/Services ²³	Owner	Filing Date	Registration No.
	32: Fruit punch	Root Company	October 29, 1984	1,376,181
JACKALOPE IPA	32: Beers and ales	Jackalope Brewing Company, LLC	July 1, 2005	3,340,548
JACKALOPES	41: Entertainment services, including live appearances by a hockey mascot	Jackalopes Holdings, LLC	April 5, 2006	3,208,420

²³ Summary of goods/services provided for ease of reference. Full goods/services available in **Exhibit E**.

Co-Existing Registrations – Listed Chronologically by Filing Date				
Mark	Class, Goods/Services ²³	Owner	Filing Date	Registration No.
	43: Restaurant and bar services	Jason Burton dba The Jackalope	August 4, 2011	4,128,414
	29: Chili, Soups, Stews, Trail Mix, and Snack Mix	Barber Story LLC	September 6, 2011	4,280,470
	21: Housewares and glass, such as beer mugs, glasses, mugs, cups, bowls, bottle openers, plates, and empty water bottles 41: Entertainment services, including live appearances by a hockey mascot	Jackalopes Holdings, LLC	October 24, 2011	4,223,583
JACKALOPE	29: Sausages	Hunters Reserve, Inc.	October 16, 2012	4,338,789
	30: Hot Sauce	Jason Burton dba The Jackalope	January 28, 2014	4,600,810
JACKALOPE	21: Pottery 35: Retail store services featuring glasses, plates, mugs, utensils, cookware, and other goods	Global House, Inc.	September 23, 2014	4,857,741

All of the Co-Existing Registrations co-exist on the Principal Register and cover goods and/or services that are arguably closely related to Registrant's Services. Beverages and food are provided by restaurants and bars. Restaurants and bars rely heavily on glasses, mugs, plates, bottle openers, utensils, and other useful objects to provide their patrons with food and beverages. In addition, restaurants and bars often feature live entertainment.

In reviewing the Co-Existing Registrations, there are registrations that pre-date and post-date Registrant's Citation. Clearly, if these registrations are capable of co-existing on the Principal Register, Applicant's Mark and Application must similarly be permitted to co-exist with the Citation and this crowded field of JACKALOPE registrations.

In addition to the Co-Existing Registrations, there are also JACKALOPE registrations for dissimilar offerings, such as bicycle wheels and comic books. See **Exhibit F**. When a crowded field exists, even slight differences between the marks allow consumers to distinguish between multiple trademark owners, their marks, and their respective services. See, e.g., Carefirst of Maryland Inc. v. FirstHealth of the Carolinas Inc., 77 U.S.P.Q.2d 1492, 1509-1510 (TTAB 2005).

Since consumers are not likely to be confused by the co-existence of at least twelve (12) JACKALOPE trademark registrations, owned by at least seven (7) distinct owners, the same must be true for Applicant's Mark and Application. Accordingly, this DuPont factor also weighs heavily in Applicant's favor.

6. The Risk of Confusion is Theoretical and *De Minimis*.

The mere possibility that there might be confusion between Applicant's Mark and the Citations is not a valid basis for a refusal under Section 2(d). Bongrain Int'l (American) Corp. v. Delice de France, Inc., 1 U.S.P.Q.2d 1775, 1779 (Fed. Cir. 1987). The Office

Action presents a theoretical possibility of confusion, which is not an appropriate basis to refuse registration of Applicant's Mark. Witco Chem. Co. v. Whitfield Chem. Co., 418 F.2d 1403, 153 U.S.P.Q. 412 (CCPA 1969), *affirmed* 164 U.S.P.Q. 43 (TTAB 1967).

Likewise, Applicant would not invest resources in a mark it believes is unregistrable or is likely to cause confusion with a third party. Applicant's own judgment as a real party in interest is entitled to be afforded significant weight. TMEP § 1207.01. Publication of this Application will give Registrant, and other third parties, an opportunity to oppose if they believe any real likelihood of confusion exists.

III. Alternative Suspension Request

For the reasons set forth above, Applicant respectfully requests that its Application be amended and approved for publication. Alternatively, if approval for publication will not be immediately granted by the Examining Attorney, Applicant respectfully requests that its Application be suspended, pending the outcome of Applicant's September 8, 2016 Petition against the Citation. *See Exhibit A*.

IV. Conclusion

For the reasons set forth above, Applicant's Mark is not likely to cause confusion with the Citation. In fact, a crowded field of similar marks is already co-existing on the federal Register. Denying Applicant registration on the basis of confusion would be inconsistent with the PTO's previous decisions regarding the Co-Existing Registrations. As a real party in interest, Applicant's own judgment is entitled to be afforded significant weight. TMEP § 1207.01. Accordingly, Applicant respectfully requests that the Examining Attorney approve its Application for publication.

Alternatively, Applicant respectfully requests that its Application be suspended, pending the outcome of its Petition against Registrant's Citation.

GSB:8028559.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JKLP IP Pty Ltd,

Petitioner,

v.

Jason Burton dba The Jackalope,

Defendant.

Cancellation No:

PETITION FOR CANCELLATION



Mark:

Registration No.: 4,128,414

Filing Date: August 4, 2011

Registration Date: April 17, 2012

JKLP IP Pty Ltd (“Petitioner”) believes that it will be damaged by continued registration of the THE JACKALOPE & Design trademark shown above (“Defendant’s Mark”), in International Class 43, in connection with “restaurant; restaurant and bar services” (“Defendant’s Services”), as identified in Registration No. 4,128,414 (“Registration”), and hereby files this Petition for Cancellation against the Registration on the basis of abandonment under Section 14 of the Lanham Act (15 U.S.C. § 1064). As grounds for its Cancellation, Petitioner alleges as follows:

I. PARTIES

1. Petitioner is an Australian corporation, located in Australia.
2. On information and belief, Defendant is an individual, located in the United States of America.

II. PETITIONER’S MARKS

3. Petitioner is the owner of, *inter alia*, several JACKALOPE and JAC KAL OPE stylized trademark applications in the United States, including Application Serial No.’s 79/166,790 (JACKALOPE (Stylized) in Class 43), 79/166,789 (JAC KAL OPE (Stylized) in Class 43), 79/166,160 (JACKALOPE (Stylized) in Class 43), 79/975,155 (JAC KAL OPE (Stylized) in

Classes 25 and 43), 79/975,154 (JACKALOPE (Stylized) in Classes 25 and 43), and 79/975,153 (JACKALOPE (Stylized) in Classes 25 and 43) (“Applications”) (collectively, “Petitioner’s Applications”).

4. Copies of Petitioner’s Applications, in the form of TSDR Reports dated September 7, 2016, are attached as **Exhibit A**.
5. Defendant’s Registration has been cited as a registration obstacle against Petitioner’s Applications.

III. DEFENDANT’S MARK AND REGISTRATION

6. Defendant’s Registration, in the form of a Certificate of Registration and TSDR Report dated September 7, 2016, is attached as **Exhibit B**.
7. Defendant’s Registration issued on April 17, 2012.
8. Defendant’s Registration has been in force for less than five (5) years.
9. Defendant’s Registration is based on use in commerce under Section 1(a).
10. Defendant claimed a first use date of January 20, 2004 in his Registration.
11. Defendant’s specimen of use for his Registration was filed on August 4, 2011 (“Specimen”).
12. Defendant’s Specimen consists of a photograph of Defendant’s Mark on an a-frame sidewalk sign, as shown in **Exhibit C**.
13. On information and belief, Defendant is not using Defendant’s Mark in connection with Defendant’s Services in the United States as of the filing date of this Petition for Cancellation.
14. On information and belief, Defendant has not used Defendant’s Mark in connection with Defendant’s Services in the United States for at least three (3) years prior to the date of this Petition for Cancellation.
15. On information and belief, Defendant has no intention to resume use of Defendant’s Mark in connection with Defendant’s Services in the United States.

16. On information and belief, Defendant is using a new trademark and logo to promote Defendant's Services at this time, as shown in **Exhibit D**.

IV. CLAIMS

A. ABANDONMENT

17. Paragraphs 1 to 16 above, and referenced **Exhibits A** through **D**, are hereby incorporated by reference.

18. Defendant has abandoned his Registration and Defendant's Mark by failing to use Defendant's Mark in the form in which it was registered for a period of three or more years. *See* 15 U.S.C. §§ 1064 and 1127.

19. Petitioner will be damaged by the continued registration of Defendant's Registration because Defendant's Registration is interfering with Petitioner's ability to register Petitioner's Applications.

20. Defendant's Registration poses a threat to, and creates a substantial obstacle toward, registration of Petitioner's Applications.

21. Defendant is not entitled to maintain his Registration because Defendant's Mark has been abandoned pursuant to the criteria set forth in 15 U.S.C. §§ 1064 and 1127.

22. Petitioner has been damaged, and will continue to be damaged, if Defendant's Registration is permitted to remain on the Principal Register, including the United States Patent and Trademark Office's citation of Defendant's Registration as a registration obstacle against Petitioner's Applications.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that its Petition for Cancellation be sustained and that the Registration be cancelled. This Petition for Cancellation is filed according to the rules governing electronic submissions to the Trademark Trial and Appeal Board, including payment of the requisite \$300 fee (\$300 per Class).

DATED this 8th day of September, 2016.


CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION FOR CANCELLATION has been served on Defendant Jason Burton by mailing said copy on September 8, 2016, via first class U.S. mail to Jason Burton at 7601 Shelton Road, Austin, Texas 78725.



Signature: _____
Cheryl Whitlock

GARVEY SCHUBERT BARER

By  _____
Julianne A. Henley
Scott G. Warner
John Crosetto
Attorneys for Petitioner
1191 Second Avenue, 18th Floor
Seattle, Washington 98101-2939

GSB:8022110.1

PETITION FOR CANCELLATION
of: THE JACKALOPE & Design, U.S. Reg. No. 4128414
Petition Filing Date: September 8, 2016

Exhibit A

Generated on: This page was generated by TSDR on 2016-09-07 13:32:37 EDT

Mark: JACKALOPE

JACKALOP

US Serial Number: 79166790

Application Filing Date: Apr. 15, 2015

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Appeal of Refusal Pending

An appeal of the Office's final refusal to register a pending trademark application is currently pending.

Status: An appeal of a final refusal to register the mark is pending before the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 01, 2016

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: Jackalope.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1250952

International Registration Date: Apr. 15, 2015

Parent Of: 79975154

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Accommodation bureau, namely, hotels, boarding houses; accommodation reservation services; arrangement of accommodation for holiday makers; arranging hotel accommodation; booking of hotel accommodation; hospitality services, namely, providing hotel accommodation services; hotel accommodation reservation services; hotel accommodation services; inn keeping, namely, providing inn accommodations; reservation of hotel accommodation; health resort accommodation services, namely, providing lodging that specialize in promoting patrons' general health and well-being; resort hotel services; arranging hotel reservations; booking services for hotels; hotel information; hotel reservation services; hotel services; reservation of places at holiday resort hotels and lodges

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: JKLP IP Pty Ltd

Owner Address: U1 60 Toorak Rd
SOUTH YARRA VIC 3141
AUSTRALIA

Legal Entity Type: Corporation

State or Country: AUSTRALIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Scott G. Warner	Docket Number: 19391-62003
Attorney Primary Email Address: trademarks@gsblaw.com	Attorney Email Authorized: Yes
Correspondent	
Correspondent Name/Address: SCOTT G WARNER GARVEY SCHUBERT BARER 1191 SECOND AVENUE SUITE 1800 SEATTLE, WASHINGTON UNITED STATES 98101	
Phone: 206.464.3939	Fax: 206.464.0125
Correspondent e-mail: trademarks@gsblaw.com	Correspondent e-mail Authorized: Yes
Domestic Representative - Not Found	

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2016	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Jul. 28, 2016	ACTION DENYING REQ FOR RECON E-MAILED	
Jul. 28, 2016	ACTION CONTINUING FINAL - COMPLETED	76463
Jun. 23, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	70468
Jun. 23, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Jun. 16, 2016	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 16, 2016	EX PARTE APPEAL-INSTITUTED	166790
Jun. 16, 2016	JURISDICTION RESTORED TO EXAMINING ATTORNEY	166790
Jun. 16, 2016	EXPARTE APPEAL RECEIVED AT TTAB	
Mar. 08, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 08, 2016	FINAL REFUSAL E-MAILED	
Mar. 08, 2016	FINAL REFUSAL WRITTEN	76463
Feb. 04, 2016	DIVISIONAL PROCESSING COMPLETE	
Feb. 04, 2016	ASSIGNED TO LIE	70468
Dec. 16, 2015	DIVISIONAL REQUEST RECEIVED	
Feb. 03, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jan. 28, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 27, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 27, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 16, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 15, 2015	REFUSAL PROCESSED BY IB	
Jul. 29, 2015	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 29, 2015	REFUSAL PROCESSED BY MPU	67445
Jul. 29, 2015	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	

Jul. 28, 2015	NON-FINAL ACTION WRITTEN	76463
Jul. 23, 2015	ASSIGNED TO EXAMINER	76463
Jun. 17, 2015	APPLICATION FILING RECEIPT MAILED	
Jun. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2015	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number:	1250952	International Registration Date:	Apr. 15, 2015
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Oct. 16, 2014
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Jun. 11, 2015
Notification of Designation Date:	Jun. 11, 2015	Date of Automatic Protection:	Dec. 11, 2016
International Registration Renewal Date:	Apr. 15, 2025		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information	
TM Attorney:	FAIRBANKS, RONALD L
Law Office Assigned:	LAW OFFICE 119
File Location	
Current Location:	TMO LAW OFFICE 119 - EXAMINING ATTORNEY ASSIGNED
Date in Location:	Jul. 28, 2016

Proceedings

Summary	
Number of Proceedings:	1
Type of Proceeding: Ex parte Appeal	
Proceeding Number:	79166790
Filing Date:	Jun 16, 2016
Status:	Pending
Status Date:	Jun 16, 2016
Interlocutory Attorney:	
Plaintiff(s)	
Name:	JKLP IP Pty Ltd
Correspondent Address:	SCOTT G WARNER GARVEY SCHUBERT BARER 1191 SECOND AVENUE SUITE 1800 SEATTLE WA UNITED STATES , 98101
Correspondent e-mail:	trademarks@gsblaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
JACKALOPE	Ex Parte Appeal Pending	79166790	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jun 16, 2016	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Jun 16, 2016	

3	INSTITUTED	Jun 16, 2016
4	REQ FOR RECON	Jun 16, 2016
5	RECON DENIED	Jul 28, 2016
6	RECON DENIED	Jul 28, 2016
7	RECON DENIED	Jul 28, 2016
8	PROCEEDINGS RESUMED	Aug 01, 2016

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Mark: JACKALOPE

J A L
K A L
O P E

US Serial Number: 79166789

Application Filing Date: Apr. 15, 2015

Register: Principal

Mark Type: Service Mark

**TM5 Common Status
Descriptor:**



LIVE/APPLICATION/Appeal of Refusal Pending

An appeal of the Office's final refusal to register a pending trademark application is currently pending.

Status: An appeal of a final refusal to register the mark is pending before the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 01, 2016

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the three terms "JAC KAL OPE" appearing on top of each other in descending order.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1250951

International Registration Date: Apr. 15, 2015

Parent Of: 79975155

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Accommodation bureau, namely, hotels, boarding houses; accommodation reservation services; arrangement of accommodation for holiday makers; arranging hotel accommodation; booking of hotel accommodation; hospitality services, namely, providing hotel accommodation services; hotel accommodation reservation services; hotel accommodation services; inn keeping, namely, providing inn accommodations; reservation of hotel accommodation; health resort accommodation services, namely, providing lodging that specialize in promoting patrons' general health and well-being; resort hotel services; arranging hotel reservations; booking services for hotels; hotel information; hotel reservation services; hotel services; reservation of places at holiday resort hotels and lodges

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: JKLP IP Pty Ltd

Owner Address: U1 60 Toorak Rd
SOUTH YARRA VIC 3141
AUSTRALIA

Legal Entity Type: Corporation

State or Country AUSTRALIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott G. Warner

Docket Number: 19391-62005

Attorney Primary Email Address: trademarks@gsblaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SCOTT G WARNER
GARVEY SCHUBERT BARER
1191 SECOND AVENUE SUITE 1800
SEATTLE, WASHINGTON UNITED STATES 98101

Phone: 206.464.3939

Fax: 206.464.0125

Correspondent e-mail: trademarks@gsblaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2016	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Jul. 28, 2016	ACTION DENYING REQ FOR RECON E-MAILED	
Jul. 28, 2016	ACTION CONTINUING FINAL - COMPLETED	76463
Jun. 23, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Jun. 23, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Jun. 22, 2016	ASSIGNED TO LIE	73296
Jun. 16, 2016	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 16, 2016	EX PARTE APPEAL-INSTITUTED	166789
Jun. 16, 2016	JURISDICTION RESTORED TO EXAMINING ATTORNEY	166789
Jun. 16, 2016	EXPORTE APPEAL RECEIVED AT TTAB	
Mar. 08, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	

Mar. 08, 2016	FINAL REFUSAL E-MAILED	
Mar. 08, 2016	FINAL REFUSAL WRITTEN	76463
Feb. 04, 2016	DIVISIONAL PROCESSING COMPLETE	
Dec. 16, 2015	DIVISIONAL REQUEST RECEIVED	
Feb. 03, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jan. 28, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 27, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 27, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 16, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 15, 2015	REFUSAL PROCESSED BY IB	
Jul. 29, 2015	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 29, 2015	REFUSAL PROCESSED BY MPU	67445
Jul. 29, 2015	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 28, 2015	NON-FINAL ACTION WRITTEN	76463
Jul. 23, 2015	ASSIGNED TO EXAMINER	76463
Jun. 17, 2015	APPLICATION FILING RECEIPT MAILED	
Jun. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2015	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number:	1250951	International Registration Date:	Apr. 15, 2015
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Mar. 27, 2015
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Jun. 11, 2015
Notification of Designation Date:	Jun. 11, 2015	Date of Automatic Protection:	Dec. 11, 2016
International Registration Renewal Date:	Apr. 15, 2025		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information	
TM Attorney:	FAIRBANKS, RONALD L
Law Office Assigned:	LAW OFFICE 119
File Location	
Current Location:	TMO LAW OFFICE 119 - EXAMINING ATTORNEY ASSIGNED
Date in Location:	Jul. 28, 2016

Proceedings

Summary	
Number of Proceedings:	1
Type of Proceeding: Exparte Appeal	
Proceeding Number:	79166789
Filing Date:	Jun 16, 2016
Status:	Pending
Status Date:	Jun 16, 2016
Interlocutory Attorney:	
Plaintiff(s)	
Name:	JKLP IP Pty Ltd

Correspondent SCOTT G WARNER
Address: GARVEY SCHUBERT BARER
1191 SECOND AVENUE SUITE 1800
SEATTLE WA UNITED STATES , 98101

Correspondent e-mail: trademarks@gsblaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number

JACKALOPE	Ex Parte Appeal Pending	79166789	
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Prosecution History			
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jun 16, 2016	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Jun 16, 2016	
3	INSTITUTED	Jun 16, 2016	
4	REQ FOR RECON	Jun 16, 2016	
5	RECON DENIED	Jul 28, 2016	
6	RECON DENIED	Jul 28, 2016	
7	RECON DENIED	Jul 28, 2016	
8	PROCEEDINGS RESUMED	Aug 01, 2016	

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Mark: JACKALOPE

Jackalop

US Serial Number: 79166160

Application Filing Date: May 01, 2015

Register: Principal

Mark Type: Service Mark

Status: An appeal of a final refusal to register the mark is pending before the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 01, 2016

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1249514

International Registration Date: May 01, 2015

Parent Of: 79975153

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Accommodation bureau, namely, hotels, boarding houses; accommodation reservation services; arrangement of accommodation for holiday makers; arranging hotel accommodation; booking of hotel accommodation; hospitality services, namely, providing hotel accommodation services; hotel accommodation reservation services; hotel accommodation services; inn keeping, namely, providing inn accommodations; reservation of hotel accommodation; health resort accommodation services, namely, providing lodging that specialize in promoting patrons' general health and well-being; resort hotel services; arranging hotel reservations; booking services for hotels; hotel information; hotel reservation services; hotel services; reservation of places at holiday resort hotels and lodges

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: JKLP IP Pty Ltd
Owner Address: U1 60 Toorak Rd
 SOUTH YARRA VIC 3141
 AUSTRALIA
Legal Entity Type: Corporation
State or Country: AUSTRALIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott G. Warner
Docket Number: 19391-62004
Attorney Primary Email Address: trademarks@gsblaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SCOTT G WARNER
 GARVEY SCHUBERT BARER
 1191 SECOND AVENUE
 SUITE 1800
 SEATTLE, WASHINGTON 98101
 UNITED STATES
Phone: 206.464.3939
Fax: 206.464.0125
Correspondent e-mail: trademarks@gsblaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2016	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Jul. 28, 2016	ACTION DENYING REQ FOR RECON E-MAILED	
Jul. 28, 2016	ACTION CONTINUING FINAL - COMPLETED	76463
Jun. 23, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Jun. 23, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Jun. 22, 2016	ASSIGNED TO LIE	73296
Jun. 16, 2016	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 16, 2016	EX PARTE APPEAL-INSTITUTED	166160
Jun. 16, 2016	JURISDICTION RESTORED TO EXAMINING ATTORNEY	166160
Jun. 16, 2016	EXPARTE APPEAL RECEIVED AT TTAB	
Mar. 08, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 08, 2016	FINAL REFUSAL E-MAILED	
Mar. 08, 2016	FINAL REFUSAL WRITTEN	76463
Feb. 03, 2016	DIVISIONAL PROCESSING COMPLETE	
Dec. 16, 2015	DIVISIONAL REQUEST RECEIVED	
Feb. 03, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jan. 28, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 27, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 27, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 16, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 15, 2015	REFUSAL PROCESSED BY IB	
Jul. 29, 2015	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 29, 2015	REFUSAL PROCESSED BY MPU	67445
Jul. 29, 2015	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 28, 2015	NON-FINAL ACTION WRITTEN	76463
Jul. 23, 2015	ASSIGNED TO EXAMINER	76463
Jun. 09, 2015	APPLICATION FILING RECEIPT MAILED	

Jun. 05, 2015 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Jun. 04, 2015 SN ASSIGNED FOR SECT 66A APPL FROM IB

International Registration Information (Section 66a)

International Registration Number:	1249514	International Registration Date:	May 01, 2015
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Mar. 27, 2015
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Jun. 04, 2015
Notification of Designation Date:	Jun. 04, 2015	Date of Automatic Protection:	Dec. 04, 2016
International Registration Renewal Date:	May 01, 2025		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information	
TM Attorney:	FAIRBANKS, RONALD L
Law Office Assigned:	LAW OFFICE 119
File Location	
Current Location:	TMO LAW OFFICE 119 - EXAMINING ATTORNEY ASSIGNED
Date in Location:	Jul. 28, 2016

Proceedings

Summary	
Number of Proceedings:	1
Type of Proceeding: Exparte Appeal	
Proceeding Number:	79166160
Filing Date:	Jun 16, 2016
Status:	Pending
Status Date:	Jun 16, 2016
Interlocutory Attorney:	
Plaintiff(s)	
Name:	JKLP IP Pty Ltd
Correspondent Address:	SCOTT G WARNER GARVEY SCHUBERT BARER 1191 SECOND AVENUE, SUITE 1800 SEATTLE WA , 98101 UNITED STATES
Correspondent e-mail:	trademarks@gsblaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
JACKALOPE	Ex Parte Appeal Pending	79166160	
Prosecution History			
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Jun 16, 2016	
2	Appeal Acknowledged; Case Remanded	Jun 16, 2016	
3	INSTITUTED	Jun 16, 2016	
4	REQ FOR RECON	Jun 16, 2016	
5	RECON DENIED	Jul 28, 2016	

6	RECON DENIED	Jul 28, 2016
7	RECON DENIED	Jul 28, 2016
8	PROCEEDINGS RESUMED	Aug 01, 2016

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Mark: JACKALOPE

J A C
K A L
O P E

US Serial Number: 79975155

Application Filing Date: Apr. 15, 2015

Register: Principal

Mark Type: Trademark, Service Mark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 08, 2016

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the three terms JAC KAL OPE appearing on top of each other in descending order.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1250951

International Registration Date: Apr. 15, 2015

Child Of: 79166789

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Baseball shirts; casual shirts; denim shirts; dress shirts; formal shirts; open-necked shirts; polo shirts; printed t-shirts; rugby shirts; shirt fronts; shirt jackets; shirts; short-sleeve shirts; sports shirts; t-shirts; tee-shirts; woven shirts; baseball caps; bathing caps; beach caps; cap peaks; caps (headwear); flat caps; shower caps; slumber caps; sports caps; swimming caps

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

For: inn keeping (bar, restaurant and accommodation); hotel catering services; bar services; wine bar services; coffee bar and coffee house services (provision of food and drink); salad bar restaurant services; restaurant reservation services; restaurant services; restaurants; theatre restaurants (provision of food and drink)

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: JKLP IP Pty Ltd

Owner Address: U1 60 Toorak Rd
SOUTH YARRA VIC 3141
AUSTRALIA

Legal Entity Type: Corporation

State or Country: AUSTRALIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott G. Warner

Docket Number: 19391-62005

Attorney Primary Email Address: trademarks@gsblaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Scott G. Warner
Garvey Schubert Barer
1191 Second Avenue, Suite 1800
Seattle, WASHINGTON 98101
UNITED STATES

Phone: 206.464.3939

Fax: 206.464.0125

Correspondent e-mail: trademarks@gsblaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 08, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 08, 2016	FINAL REFUSAL E-MAILED	
Mar. 08, 2016	FINAL REFUSAL WRITTEN	76463
Feb. 09, 2016	NOTICE OF DIVIDED TRADEMARK APPLICATION MAILED	
Feb. 04, 2016	DIVISIONAL PROCESSING COMPLETE	
Dec. 16, 2015	DIVISIONAL REQUEST RECEIVED	
Feb. 03, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jan. 28, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Jan. 27, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 27, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 16, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 15, 2015	REFUSAL PROCESSED BY IB	
Jul. 29, 2015	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 29, 2015	REFUSAL PROCESSED BY MPU	67445
Jul. 29, 2015	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 28, 2015	NON-FINAL ACTION WRITTEN	76463
Jul. 23, 2015	ASSIGNED TO EXAMINER	76463
Jun. 17, 2015	APPLICATION FILING RECEIPT MAILED	
Jun. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2015	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number:	1250951	International Registration Date:	Apr. 15, 2015
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Mar. 27, 2015
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Jun. 11, 2015
Notification of Designation Date:	Jun. 11, 2015	Date of Automatic Protection:	Dec. 11, 2016
International Registration Renewal Date:	Apr. 15, 2025		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information	
TM Attorney:	FAIRBANKS, RONALD L
Law Office Assigned:	LAW OFFICE 119
File Location	
Current Location:	TMO LAW OFFICE 119 - EXAMINING ATTORNEY ASSIGNED
Date in Location:	Mar. 08, 2016

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Mark: JACKALOPE

JACKALOPE

US Serial Number: 79975154

Application Filing Date: Apr. 15, 2015

Register: Principal

Mark Type: Trademark, Service Mark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 08, 2016

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: Jackalope.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1250952

International Registration Date: Apr. 15, 2015

Child Of: 79166790

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Baseball shirts; casual shirts; denim shirts; dress shirts; formal shirts; open-necked shirts; polo shirts; printed t-shirts; rugby shirts; shirt fronts; shirt jackets; shirts; short-sleeve shirts; sports shirts; t-shirts; tee-shirts; woven shirts; baseball caps; bathing caps; beach caps; cap peaks; caps (headwear); flat caps; shower caps; slumber caps; sports caps; swimming caps

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

For: inn keeping (bar, restaurant and accommodation); hotel catering services; bar services; wine bar services; coffee bar and coffee house services (provision of food and drink); salad bar restaurant services; restaurant reservation services; restaurant services; restaurants; theatre restaurants (provision of food and drink

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: JKLP IP Pty Ltd

Owner Address: U1 60 Toorak Rd
SOUTH YARRA VIC 3141
AUSTRALIA

Legal Entity Type: Corporation

State or Country: AUSTRALIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott G. Warner

Docket Number: 19391-62003

Attorney Primary Email Address: trademarks@gsblaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Scott G. Warner
Garvey Schubert Barer
1191 Second Avenue, Suite 1800
Seattle, WASHINGTON 98101
UNITED STATES

Phone: 206.464.3939

Fax: 206.464.0125

Correspondent e-mail: trademarks@gsblaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 08, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 08, 2016	FINAL REFUSAL E-MAILED	
Mar. 08, 2016	FINAL REFUSAL WRITTEN	76463
Feb. 09, 2016	NOTICE OF DIVIDED TRADEMARK APPLICATION MAILED	
Feb. 04, 2016	DIVISIONAL PROCESSING COMPLETE	
Feb. 04, 2016	ASSIGNED TO LIE	70468
Dec. 16, 2015	DIVISIONAL REQUEST RECEIVED	
Feb. 03, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jan. 28, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 27, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 27, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 16, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 15, 2015	REFUSAL PROCESSED BY IB	
Jul. 29, 2015	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 29, 2015	REFUSAL PROCESSED BY MPU	67445
Jul. 29, 2015	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 28, 2015	NON-FINAL ACTION WRITTEN	76463
Jul. 23, 2015	ASSIGNED TO EXAMINER	76463
Jun. 17, 2015	APPLICATION FILING RECEIPT MAILED	
Jun. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2015	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number:	1250952	International Registration Date:	Apr. 15, 2015
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Oct. 16, 2014
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Jun. 11, 2015
Notification of Designation Date:	Jun. 11, 2015	Date of Automatic Protection:	Dec. 11, 2016
International Registration Renewal Date:	Apr. 15, 2025		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information

TM Attorney: FAIRBANKS, RONALD L

Law Office
Assigned: LAW OFFICE 119

File Location

Current Location: TMO LAW OFFICE 119 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Mar. 08, 2016

Generated on: This page was generated by TSDR on 2016-09-07 13:34:07 EDT

Mark: JACKALOPE

Jackalop

US Serial Number: 79975153

Application Filing Date: May 01, 2015

Register: Principal

Mark Type: Trademark, Service Mark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 08, 2016

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1249514

International Registration Date: May 01, 2015

Child Of: 79166160

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Baseball shirts; casual shirts; denim shirts; dress shirts; formal shirts; open-necked shirts; polo shirts; printed T-shirts; rugby shirts; shirt fronts; shirt jackets; shirts; short-sleeve shirts; sports shirts; T-shirts; tee-shirts; woven shirts; baseball caps; bathing caps; beach caps; cap peaks; caps (headwear); flat caps; shower caps; slumber caps; sports caps; swimming caps

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

For: Inn keeping, namely, providing bar and restaurant accommodations; hotel catering services; bar services; wine bar services; coffee bar and coffee house services; salad bar restaurant services; restaurant reservation services; restaurant reservation services, namely, booking of restaurant places and booking of restaurant seats; restaurant services; restaurants; self-service restaurants; theatre restaurants

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: JKLP IP Pty Ltd

Owner Address: U1 60 Toorak Rd
SOUTH YARRA VIC 3141
AUSTRALIA

Legal Entity Type: Corporation

State or Country: AUSTRALIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott G. Warner

Docket Number: 19391-62004

Attorney Primary Email Address: trademarks@gsblaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Scott G. Warner
Garvey Schubert Barer
1191 Second Avenue, Suite 1800
Seattle, WASHINGTON 98101
UNITED STATES

Phone: 206.464.3939

Fax: 206.464.0125

Correspondent e-mail: trademarks@gsblaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 08, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 08, 2016	FINAL REFUSAL E-MAILED	
Mar. 08, 2016	FINAL REFUSAL WRITTEN	76463
Feb. 09, 2016	NOTICE OF DIVIDED TRADEMARK APPLICATION MAILED	
Feb. 03, 2016	DIVISIONAL PROCESSING COMPLETE	
Dec. 16, 2015	DIVISIONAL REQUEST RECEIVED	
Feb. 03, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jan. 28, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 27, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 27, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 16, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 15, 2015	REFUSAL PROCESSED BY IB	
Jul. 29, 2015	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jul. 29, 2015	REFUSAL PROCESSED BY MPU	67445
Jul. 29, 2015	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 28, 2015	NON-FINAL ACTION WRITTEN	76463
Jul. 23, 2015	ASSIGNED TO EXAMINER	76463
Jun. 09, 2015	APPLICATION FILING RECEIPT MAILED	
Jun. 05, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 04, 2015	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number:	1249514	International Registration Date:	May 01, 2015
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Mar. 27, 2015
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Jun. 04, 2015
Notification of Designation Date:	Jun. 04, 2015	Date of Automatic Protection:	Dec. 04, 2016
International Registration Renewal Date:	May 01, 2025		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information

TM Attorney: FAIRBANKS, RONALD L

Law Office
Assigned: LAW OFFICE 119

File Location

Current Location: TMO LAW OFFICE 119 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Mar. 08, 2016

PETITION FOR CANCELLATION
of: THE JACKALOPE & Design, U.S. Reg. No. 4128414
Petition Filing Date: September 8, 2016

Exhibit B

Generated on: This page was generated by TSDR on 2016-09-07 13:34:57 EDT

Mark: THE JACKALOPE



US Serial Number: 85389617

Application Filing Date: Aug. 04, 2011

US Registration Number: 4128414

Registration Date: Apr. 17, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 17, 2012

Publication Date: Jan. 31, 2012

Mark Information

Mark Literal Elements: THE JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized wording "THE JACKALOPE" and a design of the head, chest and right front leg of the mythical jackalope consisting of a rabbit with antlers accompanied by two women with an incomplete outline of the state of Texas and stars in the background and a beer mug in the foreground, all appearing on a shaded background.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.01.13 - Stars - multiple stars with five points
01.17.12 - Maps of Texas; Texas, map of
02.03.24 - Women, stylized, including women depicted in caricature form
03.09.01 - Bunnies; Hares; Rabbits
03.13.03 - Horns (of animal) along (not part of heads), antlers
03.13.25 - Ears of four-footed mammals or primates (excluding humans); Tusks of four-footed mammals or primates (excluding humans); Teeth of four-footed mammals or primates (excluding humans); Tails of four-footed mammals or primates (excluding humans); Snouts of four-footed mammals or primates (excluding humans); Eyes of four-footed mammals or primates (excluding humans); Other parts of four-footed mammals or primates (excluding humans)
04.05.25 - Other mythological or legendary animals
11.03.02 - Mugs, beer; Cups, beer mugs; Beer steins or mugs; Tankards

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Restaurant; Restaurant and bar services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 20, 2004

Use in Commerce: Jan. 20, 2004

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Jason Burton	
DBA, AKA, Formerly: DBA The Jackalope	
Owner Address: 7601 Shelton Road Austin, TEXAS 78725 UNITED STATES	
Legal Entity Type: INDIVIDUAL	Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Anderson M Simmons	
Attorney Primary Email Address: andy@simmonspsc.com	Attorney Email Authorized: No
Correspondent	
Correspondent Name/Address: ANDERSON M SIMMONS LAW OFFICE OF ANDERSON M. SIMMONS PC 702 RIO GRANDE ST AUSTIN, TEXAS 78701-2720 UNITED STATES	
Phone: 512 499 8688	Fax: 512 499 8680
Correspondent e-mail: andy@simmonspsc.com	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2012	REGISTERED-PRINCIPAL REGISTER	
Jan. 31, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 31, 2012	PUBLISHED FOR OPPOSITION	
Jan. 11, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 27, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Dec. 19, 2011	ASSIGNED TO LIE	74221
Nov. 29, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 29, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 29, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 29, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 29, 2011	EXAMINERS AMENDMENT -WRITTEN	82416
Nov. 29, 2011	ASSIGNED TO EXAMINER	82416
Aug. 11, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 10, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 08, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

United States of America

United States Patent and Trademark Office



Reg. No. 4,128,414

Registered Apr. 17, 2012

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

JASON BURTON (UNITED STATES INDIVIDUAL), DBA THE JACKALOPE
7601 SHELTON ROAD
AUSTIN, TX 78725

FOR: RESTAURANT; RESTAURANT AND BAR SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 1-20-2004; IN COMMERCE 1-20-2004.

THE MARK CONSISTS OF THE STYLIZED WORDING "THE JACKALOPE" AND A DESIGN OF THE HEAD, CHEST AND RIGHT FRONT LEG OF THE MYTHICAL JACKALOPE CONSISTING OF A RABBIT WITH ANTLERS ACCOMPANIED BY TWO WOMEN WITH AN INCOMPLETE OUTLINE OF THE STATE OF TEXAS AND STARS IN THE BACKGROUND AND A BEER MUG IN THE FOREGROUND, ALL APPEARING ON A SHADED BACKGROUND.

SER. NO. 85-389,617, FILED 8-4-2011.

KATHERINE CONNOLLY, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

PETITION FOR CANCELLATION
of: THE JACKALOPE & Design, U.S. Reg. No. 4128414
Petition Filing Date: September 8, 2016

Exhibit C

Award Winning Food

The Jackalope



Voted Best Dive
Bar in Austin

PETITION FOR CANCELLATION
of: THE JACKALOPE & Design, U.S. Reg. No. 4128414
Petition Filing Date: September 8, 2016

Exhibit D

World Famous

DIVE BAR



Food Network's

Best. Ever. Burger.



Your submission has been received by the USPTO.
The content of your submission is listed below.
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA769584**

Filing date: **09/08/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	JKLP IP Pty Ltd		
Entity	Corporation	Citizenship	Australia
Address	U1 60 Toorak Rd SOUTH YARRA, VIC 3141 AUSTRALIA		

Attorney information	Scott G. Warner Garvey Schubert Barer 1191 Second Avenue, Suite 1800 Seattle, WA 98101 UNITED STATES trademarks@gsblaw.com Phone:206.464.3939
-----------------------------	--

Registration Subject to Cancellation

Registration No	4128414	Registration date	04/17/2012
Registrant	Jason Burton 7601 Shelton Road Austin, TX 78725 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2004/01/20 First Use In Commerce: 2004/01/20 All goods and services in the class are cancelled, namely: Restaurant; Restaurant and bar services
--

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	THE JACKALOPE and Design Petition for Cancellation TTAB 8028866 v 1.PDF(98068 bytes) Exhibit A to Cancellation of THE JACKALOPE 8024416 v 1.PDF(252709 bytes)
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	Exhibit B to Cancellation of THE JACKALOPE 8024431 v 1.PDF(2035296 bytes) Exhibit C to Cancellation of THE JACKALOPE 8024435 v 1.PDF(669966 bytes) Exhibit D to Cancellation of THE JACKALOPE Aug 30 2016 photos 8024461 v 1.PDF(532776 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Julianne A. Henley/
Name	Julianne A. Henley
Date	09/08/2016

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EXHIBIT B

Jackalope - Definition and... X

www.merriam-webster.com/dictionary/suggestions/jackalope

Merriam-Webster SINCE 1828 MENU Dictionary Hello! What word would you like to learn today?

Instant Grammar Checker Try Now

The word you've entered isn't in the dictionary. Click on a spelling suggestion below or try again using the search bar above.

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- jackpot
- Jacopo
- Guadalupe
- jackleg
- jacklight
- teachable
- jake leg
- jackboot
- ejaculate

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TRENDING NOW

- Filibuster**
Senate Democrats launched a fill...
- Assault rifle**
A rifle designed for military use
- Glass Ceiling**
Hillary Clinton is the presumptive..
- Kerfuffle**
A disturbance
- Truculent**
Muhammad Ali, a legend inside a...

SEE ALL >

www.dictionary.com/misspelling?term=jackalope&s=t

Dictionary.comThesaurus.com

Word of the DayTranslateGamesBlog

Dictionary.comdefinitions

Masters in Project Mgt

Seattle Campus of Northeastern From Home or Online. Request Info!

Did you mean jackal?

More suggestions:

jackleg

jacal

jalopy

jacalyn

jack

calpe


cackle


jaculate


jack-ladder


jack-rope

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Eight Election Words That Will Fit...

8 Ways to Say Congratulations!

The mystery words on your screen

Spelling Secrets

Six Words That Can Ruin Your Sentence

Solving the Punctuation Puzzle

Double Your Fun with Irregular Plurals

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What Was the Top Misspelling of the Year?

Enuf or Enough? Why Is English Spelling So Random?

How Does Autocorrect Work?

Exhibit C



UNITED STATES PATENT AND TRADEMARK OFFICE

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Session Summary:

No.	Search Terms	Documents	Occurrences
S1	(inn or keeping or accommodation or hotel or motel or lodge or lodging or restaurant or reservation or hotel or cater or catering or caterer or coffee or restaurant or bar or wine or salad or theatre or food or drink or beverage)[gs]	754888	2172543
S2	(inn or keeping or accommodation or hotel or motel or lodge orlodging or restaurant or reservation or hotel or cater or catering orcaterer or coffee or restaurant or bar or wine or salad or theatre orfood or drink or beverage)[gs] and live[ld]	255723	1027133
S3	(inn or keeping or accommodation or hotel or motel or lodge or lodging or restaurant or reservation or hotel or cater or catering or caterer or coffee or restaurant or bar or wine or salad or theatre or food or drink or beverage)[gs] and live[ld] and 043[ic]	65365	456016
S4	(inn or keeping or accommodation or hotel or motel or lodge or lodging or restaurant or reservation or hotel or cater or catering or caterer or coffee or restaurant or bar or wine or salad or theatre or food or drink or beverage)[gs] and live[ld] and 043[ic] and 'RN > "0"	47985	360113

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Exhibit D



UNITED STATES PATENT AND TRADEMARK OFFICE

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Session Summary:

No.	Search Terms	Documents	Occurrences
S1	(*jackalope*)[BI]	54	58
S2	(*jackalope*)[BI] and live[lid]	25	50
S3	(*jackalope*)[BI] and live[lid] and `RN > "0"	12	36
S4	(*jack*)[BI] and live[lid] and `RN > "0"	2873	8783
S5	S3 or S4	2873	8795
S6	S5 and 043[ic]	122	528
S7	S5 and (bar or restaurant)[gs]	173	834
S8	S5 and S6	122	528
S9	S5 and S7	173	834
S10	S6 and S7	92	563

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[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[TOP](#)
[HELP](#)

Exhibit E

Generated on: This page was generated by TSDR on 2016-06-06 18:40:43 EDT

Mark: JACKALOPE



US Serial Number: 73505948

Application Filing Date: Oct. 29, 1984

US Registration Number: 1376181

Registration Date: Dec. 17, 1985

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 03, 2015

Publication Date: Oct. 08, 1985

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Lining and Stippling Statement: THE LINING IN THE MARK IS A FEATURE OF THE MARK AND DOES NOT INDICATE COLOR.

Design Search Code(s): 03.09.01 - Bunnies; Rabbits; Hares

03.09.24 - Stylized small mammals, rodents, kangaroos, wallabies

26.17.13 - Underlined words or letters; Overlined words or letters; Letters or words underlined and/or overlined by one or more strokes or lines

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: FRUIT PUNCH CONTAINING WATER

International Class(es): 032 - Primary Class

U.S Class(es): 045

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 10, 1984

Use in Commerce: Oct. 10, 1984

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: ROOT COMPANY

Owner Address: 275 CLYDE MORRIS BLVD
ORMOND BEACH, FLORIDA 32174
UNITED STATES

Legal Entity Type: CORPORATION

State or Country: FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: Nichol Cox
275 CLYDE MORRIS BLVD
ORMOND BEACH, FLORIDA 32174
UNITED STATES

Phone: 386-671-4915

Correspondent e-mail: nichol@rootorg.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 22, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 13, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 03, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 03, 2015	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76874
Sep. 03, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76874
Sep. 03, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Aug. 06, 2015	TEAS SECTION 8 & 9 RECEIVED	
Aug. 06, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 13, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Sep. 13, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 24, 2006	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9	
Feb. 24, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 24, 2006	PAPER RECEIVED	
Jan. 26, 2006	POST REGISTRATION ACTION MAILED - SEC. 8	
Jan. 20, 2006	ASSIGNED TO PARALEGAL	69934
Dec. 13, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Dec. 22, 2005	CASE FILE IN TICRS	
Dec. 13, 2005	PAPER RECEIVED	
Oct. 04, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 29, 1993	CERTIFICATE OF CORRECTION ISSUED	
Nov. 16, 1992	POST REGISTRATION ACTION MAILED - SEC. 7	
Aug. 10, 1992	RESPONSE RECEIVED TO POST REG. ACTION	
Jul. 02, 1992	POST REGISTRATION ACTION MAILED - SEC. 7	
May 01, 1992	SEC 7 REQUEST FILED	
Dec. 09, 1991	RESPONSE RECEIVED TO POST REG. ACTION	
Nov. 21, 1991	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
May 17, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Dec. 17, 1985	REGISTERED-PRINCIPAL REGISTER	
Oct. 08, 1985	PUBLISHED FOR OPPOSITION	
Sep. 08, 1985	NOTICE OF PUBLICATION	
Jun. 03, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 03, 1985	EXAMINERS AMENDMENT MAILED	
May 21, 1985	ASSIGNED TO EXAMINER	59848
Feb. 14, 1985	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Jan. 29, 1985 NON-FINAL ACTION MAILED
Jan. 02, 1985 ASSIGNED TO EXAMINER

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 17, 2015

Change in Registration: Yes

Correction made to Registration: IN THE STATEMENT, COLUMN 1, LINE 2 AFTER CITIZEN), "DBA TRUSTEE FOR THE CHAPMAN S. ROOT REVOCABLE TRUST" SHOULD BE INSERTED.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 03, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: ROOT, CHAPMAN S.

Assignment 1 of 3

Conveyance: SUCCESSION OF TRUSTEES AS A MATTER OF LAW.

Reel/Frame: [0922/0409](#)

Pages: 9

Date Recorded: Dec. 28, 1992

Supporting Documents: No Supporting Documents Available

Assignor

Name: [ROOST, CHAPMAN S., AS TRUSTEE FOR THE CHAPMAN S. ROOT REVOCABLE TRUST](#)

Execution Date: Jul. 03, 1990

Legal Entity Type: TRUST

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [ROOT, SUSAN S., AND](#)

Legal Entity Type: SUCCESSION TRUSTEES

State or Country Where Organized: UNITED STATES

Address: P.O. BOX 2860
DAYTONA BEACH, FLORIDA 32120

Name: [MOORE, CHARLES I., JR., AS SUCCESSOR TRUSTEES FOR CHAPMAN S. ROOT REVOCABLE](#)

Legal Entity Type: SUCCESSION TRUSTEES

State or Country Where Organized: UNITED STATES

Address: P.O. BOX 2860
DAYTONA BEACH, FLORIDA 32120

Correspondent

Correspondent Name: DAVID C. LATHAM

Correspondent Address: P.O. BOX 2860
DAYTONA BEACH, FLORIDA 32120-2860

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2075/0833](#)

Pages: 8

Date Recorded: May 04, 2000

Supporting Documents: [assignment-tm-2075-0833.pdf](#)

Assignor

Name: [CHAPMAN S. ROOT REVOCABLE TRUST U/T/A DATED 2/15/78](#)

Execution Date: Apr. 27, 2000

Legal Entity Type: TRUST

State or Country: FLORIDA
Where Organized:

Assignee

Name: [SUSAN ROOT FEIBLEMAN REVOCABLE TRUST U/T/A DATED 2/15/78](#)

Legal Entity Type: TRUST

State or Country: FLORIDA
Where Organized:

Address: 275 CLYDE MORRIS BLVD.
ORMOND BEACH, FLORIDA 32174

Correspondent

Correspondent Name: WILLIAM J. VOGES

Correspondent Address: 275 CLYDE MORRIS BLVD.
ORMOND BEACH, FL 32174

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5696/0156](#)

Pages: 3

Date Recorded: Dec. 24, 2015

Supporting Documents: [assignment-tm-5696-0156.pdf](#)

Assignor

Name: [SUSAN ROOT FEIBLEMAN REVOCABLE TRUST U/T/A/DATED 2/15/78](#)

Execution Date: Dec. 09, 2015

Legal Entity Type: TRUST

State or Country: FLORIDA
Where Organized:

Assignee

Name: [ROOT COMPANY](#)

Legal Entity Type: CORPORATION

State or Country: FLORIDA
Where Organized:

Address: 275 CLYDE MORRIS BLVD
ORMOND BEACH, FLORIDA 32174

Correspondent

Correspondent Name: NICHOL COX

Correspondent Address: 275 CLYDE MORRIS BLVD
ORMOND BEACH, FL 32174

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2016-06-06 18:38:21 EDT

Mark: JACKALOPE IPA

JACKALOPE IPA

US Serial Number: 76642173

Application Filing Date: Jul. 01, 2005

US Registration Number: 3340548

Registration Date: Nov. 20, 2007

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jan. 08, 2013

Publication Date: Sep. 05, 2006

Notice of Allowance Date: Nov. 28, 2006

Mark Information

Mark Literal Elements: JACKALOPE IPA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "IPA"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Beers and ales

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 2006

Use in Commerce: Jul. 01, 2006

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: JACKALOPE BREWING COMPANY, LLC

Owner Address: 701 8TH AVE. SOUTH
NASHVILLE, TENNESSEE 37203
UNITED STATES

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: TENNESSEE

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: Bailey Spaulding
701 8th Ave. South
Nashville, TENNESSEE 37203
UNITED STATES

Correspondent e-mail: bailey@jackalopebrew.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 08, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 08, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 26, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 28, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 28, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 08, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 08, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Jan. 08, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69934
Dec. 11, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 11, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 10, 2012	TEAS SECTION 8 & 15 RECEIVED	
Nov. 20, 2007	REGISTERED-PRINCIPAL REGISTER	
Oct. 12, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Oct. 10, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 03, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Oct. 03, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Oct. 03, 2007	ASSIGNED TO LIE	69712
Aug. 23, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 24, 2007	NON-FINAL ACTION MAILED	
Jul. 23, 2007	SU - NON-FINAL ACTION - WRITTEN	81840
Jul. 23, 2007	STATEMENT OF USE PROCESSING COMPLETE	78289
Apr. 25, 2007	USE AMENDMENT FILED	78289
Apr. 25, 2007	TEAS STATEMENT OF USE RECEIVED	
Nov. 28, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 05, 2006	PUBLISHED FOR OPPOSITION	
Aug. 16, 2006	NOTICE OF PUBLICATION	
Jul. 18, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jul. 18, 2006	ASSIGNED TO LIE	76568
Feb. 02, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 02, 2006	EXAMINER'S AMENDMENT ENTERED	76529
Feb. 01, 2006	ASSIGNED TO LIE	76529
Feb. 01, 2006	EXAMINER'S AMENDMENT MAILED	
Feb. 01, 2006	EXAMINER'S AMENDMENT -WRITTEN	81840
Jan. 24, 2006	ASSIGNED TO EXAMINER	81840
Jan. 11, 2006	FAX RECEIVED	
Jul. 14, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Section 15 - Accepted
Incontestability:

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Jan. 08, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Santa Fe Dining, Inc.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5050/0051](#)

Pages: 2

Date Recorded: Jun. 14, 2013

Supporting Documents: [assignment-tm-5050-0051.pdf](#)

Assignor

Name: [SANTA FE DINING, INC.](#)

Execution Date: Jun. 01, 2013

Legal Entity Type: CORPORATION

State or Country: NEW MEXICO
Where Organized:

Assignee

Name: [JACKALOPE BREWING COMPANY, LLC](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country: TENNESSEE
Where Organized:

Address: 701 8TH AVE. SOUTH
NASHVILLE, TENNESSEE 37203

Correspondent

Correspondent Name: BAILEY SPAULDING

Correspondent Address: 701 8TH AVE. SOUTH
NASHVILLE, TENNESSEE 37203

Domestic Representative - Not Found

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Mark: JACKALOPES

JACKALOPES

US Serial Number: 78854218

Application Filing Date: Apr. 05, 2006

US Registration Number: 3208420

Registration Date: Feb. 13, 2007

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 05, 2012

Publication Date: Nov. 28, 2006

Mark Information

Mark Literal Elements: JACKALOPES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2374582

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Entertainment services, namely hockey games and exhibitions, and live appearances by a hockey mascot

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 1997

Use in Commerce: Feb. 01, 1997

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: JACKALOPES HOLDINGS, LLC

Owner Address: P O BOX 60004
MIDLAND, TEXAS 79711
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: D. Scott Poley

Attorney Primary scottpoley@minorleaguebaseball.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent D. Scott Poley
Name/Address: GARDERE WYNNE SEWELL LLP
1601 ELM STREET
3000 THANKSGIVING TOWER
DALLAS, TEXAS 75201-4761
UNITED STATES

Phone: 214-999-4702

Fax: 214-999-3623

Correspondent e-mail: ip@gardere.com kschwartz@gardere.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 20, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 05, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 05, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Mar. 08, 2012	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	68335
Apr. 05, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Mar. 08, 2012	PAPER RECEIVED	
Oct. 26, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 13, 2007	REGISTERED-PRINCIPAL REGISTER	
Nov. 28, 2006	PUBLISHED FOR OPPOSITION	
Nov. 08, 2006	NOTICE OF PUBLICATION	
Oct. 05, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77975
Oct. 02, 2006	ASSIGNED TO LIE	77975
Sep. 18, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 18, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 18, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 18, 2006	EXAMINERS AMENDMENT -WRITTEN	74834
Sep. 16, 2006	ASSIGNED TO EXAMINER	74834
Apr. 10, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 113

Date in Location: Apr. 05, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Odessa Sports, Inc.

Assignment 1 of 1

Conveyance: BILL OF SALE

Reel/Frame: [4645/0555](#)

Pages: 3

Date Recorded: Oct. 18, 2011

Supporting Documents: [assignment-tm-4645-0555.pdf](#)

Assignor

Name: [ODESSA SPORTS, INC.](#)

Execution Date: May 10, 2011

Legal Entity Type: CORPORATION

State or Country TEXAS
Where Organized:

Assignee

Name: [JACKALOPES HOLDINGS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country TEXAS
Where Organized:

Address: P.O. BOX 60004
MILLARD, TEXAS 79711

Correspondent

Correspondent Name: KAYLYN SCHWARTZ

Correspondent Address: C/O GARDERE WYNNE SEWELL LLP
3000 THANKSGIVING TOWER
1601 ELM STREET
DALLAS, TEXAS 75201-4761

Domestic Representative - Not Found

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Mark: THE JACKALOPE



US Serial Number: 85389617

Application Filing Date: Aug. 04, 2011

US Registration Number: 4128414

Registration Date: Apr. 17, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 17, 2012

Publication Date: Jan. 31, 2012

Mark Information

Mark Literal Elements: THE JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized wording "THE JACKALOPE" and a design of the head, chest and right front leg of the mythical jackalope consisting of a rabbit with antlers accompanied by two women with an incomplete outline of the state of Texas and stars in the background and a beer mug in the foreground, all appearing on a shaded background.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.01.13 - Stars - multiple stars with five points
01.17.12 - Maps of Texas; Texas, map of
02.03.24 - Women, stylized, including women depicted in caricature form
03.09.01 - Bunnies; Hares; Rabbits
03.13.03 - Horns (of animal) along (not part of heads), antlers
03.13.25 - Ears of four-footed mammals or primates (excluding humans); Tusks of four-footed mammals or primates (excluding humans); Teeth of four-footed mammals or primates (excluding humans); Tails of four-footed mammals or primates (excluding humans); Snouts of four-footed mammals or primates (excluding humans); Eyes of four-footed mammals or primates (excluding humans); Other parts of four-footed mammals or primates (excluding humans)
04.05.25 - Other mythological or legendary animals
11.03.02 - Mugs, beer; Cups, beer mugs; Beer steins or mugs; Tankards

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Restaurant; Restaurant and bar services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 20, 2004

Use in Commerce: Jan. 20, 2004

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Jason Burton
DBA, AKA, Formerly: DBA The Jackalope
Owner Address: 7601 Shelton Road
Austin, TEXAS 78725
UNITED STATES
Legal Entity Type: INDIVIDUAL
Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anderson M Simmons
Attorney Primary Email Address: andy@simmonspc.com
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: ANDERSON M SIMMONS
LAW OFFICE OF ANDERSON M. SIMMONS PC
702 RIO GRANDE ST
AUSTIN, TEXAS 78701-2720
UNITED STATES
Phone: 512 499 8688
Fax: 512 499 8680
Correspondent e-mail: andy@simmonspc.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

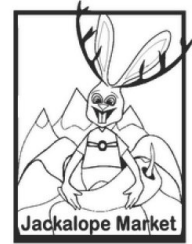
Date	Description	Proceeding Number
Apr. 17, 2012	REGISTERED-PRINCIPAL REGISTER	
Jan. 31, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 31, 2012	PUBLISHED FOR OPPOSITION	
Jan. 11, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 27, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Dec. 19, 2011	ASSIGNED TO LIE	74221
Nov. 29, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 29, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 29, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 29, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 29, 2011	EXAMINERS AMENDMENT -WRITTEN	82416
Nov. 29, 2011	ASSIGNED TO EXAMINER	82416
Aug. 11, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 10, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 08, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Generated on: This page was generated by TSDR on 2016-06-06 18:28:37 EDT

Mark: JACKALOPE MARKET



US Serial Number: 85416152

Application Filing Date: Sep. 06, 2011

US Registration Number: 4280470

Registration Date: Jan. 22, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 22, 2013

Publication Date: Feb. 21, 2012

Notice of Allowance Date: Apr. 17, 2012

Mark Information

Mark Literal Elements: JACKALOPE MARKET

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "MARKET"

Design Search Code(s): 03.09.01 - Rabbits; Bunnies; Hares
03.13.03 - Horns (of animal) along (not part of heads), antlers
05.11.09 - Peppers
06.01.04 - Mountains (landscapes); Scenery with mountains
26.11.02 - Plain single line rectangles; Rectangles (single line)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Chili; Snack mix consisting of dehydrated fruit and processed nuts; Soups; Stews; Trail mix consisting primarily of processed nuts, seeds, dried fruit and also including chocolate

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 01, 2012

Use in Commerce: May 01, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Barber Story LLC
Owner Address: 11761 Federal Blvd
Westminster, COLORADO UNITED STATES 80234
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country: COLORADO
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: BARBER STORY LLC
11761 FEDERAL BLVD
WESTMINSTER, COLORADO UNITED STATES 80234-2419

Phone: 7209757227

Correspondent e-mail: story.william@gmail.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 22, 2013	REGISTERED-PRINCIPAL REGISTER	
Dec. 19, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 18, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Dec. 17, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 30, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 29, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 29, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 28, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jun. 28, 2012	NON-FINAL ACTION E-MAILED	
Jun. 28, 2012	SU - NON-FINAL ACTION - WRITTEN	71994
Jun. 06, 2012	STATEMENT OF USE PROCESSING COMPLETE	69302
May 11, 2012	USE AMENDMENT FILED	69302
Jun. 04, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
May 11, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 17, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 21, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 21, 2012	PUBLISHED FOR OPPOSITION	
Feb. 01, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 17, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jan. 17, 2012	ASSIGNED TO LIE	77312
Dec. 28, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	

Dec. 28, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 28, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 28, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 28, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 28, 2011	EXAMINERS AMENDMENT -WRITTEN	71994
Dec. 21, 2011	ASSIGNED TO EXAMINER	71994
Sep. 13, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 12, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 09, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None	
File Location	
Current Location:	PUBLICATION AND ISSUE SECTION
Date in Location:	Dec. 18, 2012

Generated on: This page was generated by TSDR on 2016-06-06 18:39:02 EDT

Mark: ODESSA JACKALOPES



US Serial Number: 76709492

Application Filing Date: Oct. 24, 2011

US Registration Number: 4223583

Registration Date: Oct. 16, 2012

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 16, 2012

Publication Date: Jul. 31, 2012

Mark Information

Mark Literal Elements: ODESSA JACKALOPES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a jackalope holding a "jackalope" sign with a hockey stick over left shoulder, an oil pump appears over the jackalope's right shoulder and the word "Odessa" above and to the right of the hockey stick.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "ODESSA"

Design Search Code(s): 03.09.01 - Hares; Bunnies; Rabbits

03.09.26 - Costumed small mammals, rodents, kangaroos, wallabies

21.03.23 - Hockey sticks; Street hockey sticks; Field hockey sticks

24.09.07 - Advertising, banners; Banners

26.15.21 - Polygons that are completely or partially shaded

26.15.28 - Miscellaneous designs with overall polygon shape; Polygonal shapes (miscellaneous overall shape)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Paper goods and printed matter, namely, writing paper, note books, note pads, pens, pencils, autograph books, stationery-type portfolios, hockey trading cards, bumper stickers, lithographs, bookmarks, sticker albums, paper pennants, reference books of interest to hockey fans, binders, blank cards, paper containers, decals, envelopes, stationery folders, desk pads, bond paper, copy paper, newsprint paper, paper name badges, printed paper signs, paper weights, pictures, posters, printed awards, printed guides of interest to hockey fans, hockey demographics questionnaires, score books, pocket calendars, printed survey answer sheets and printed souvenir game tickets

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)	Use in Commerce: Feb. 1997
First Use: Feb. 1997	
For: Housewares and glass, namely, beer mugs, beverage glassware, beverage ware, bottle openers, coffee cups, commemorative plates, cups, drinking glasses, jugs, mugs, paper cups, plastic cups, bowls, ice buckets, portable coolers, and water bottles sold empty	
International Class(es): 021 - Primary Class	U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050
Class Status: ACTIVE	
Basis: 1(a)	Use in Commerce: Feb. 1997
First Use: Feb. 1997	
For: Clothing, namely, athletic uniforms, bandanas, caps, cloth baby bibs, golf shirts, gym shorts, gym suits, hats, jackets, jerseys, jogging suits, shorts, knit shirts, turtle neck shirts, polo shirts, pullovers, sweaters, sweat pants, sweat shirts, sweat suits, sport shirts, t-shirts, tank tops, visors, and wind resistant jackets	
International Class(es): 025 - Primary Class	U.S Class(es): 022, 039
Class Status: ACTIVE	
Basis: 1(a)	Use in Commerce: Feb. 1997
First Use: Feb. 1997	
For: Toys and sporting goods, namely, hockey pucks, ice hockey sticks, ice hockey gloves, ice hockey goalie pads, ice skates, golf balls, golf bags, golf bag covers, golf clubs, golf putters, golf tees, action figures, balloons, flying discs, dolls, jigsaw puzzles, kites, toy noisemakers, puppets, windup toys, Christmas tree ornaments, and stuffed toy animals	
International Class(es): 028 - Primary Class	U.S Class(es): 022, 023, 038, 050
Class Status: ACTIVE	
Basis: 1(a)	Use in Commerce: Feb. 1997
First Use: Feb. 1997	
For: Entertainment services, namely, hockey games and exhibitions, and live appearances by a hockey mascot	
International Class(es): 041 - Primary Class	U.S Class(es): 100, 101, 107
Class Status: ACTIVE	
Basis: 1(a)	Use in Commerce: Feb. 1997
First Use: Feb. 1997	

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Jackalopes Holdings, LLC	State or Country: TEXAS
Owner Address: 4201 Andrews Hwy. Odessa, TEXAS UNITED STATES 79762	Where Organized:
Legal Entity Type: LIMITED LIABILITY COMPANY	

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Kay Lyn Schwartz	Docket Number: 137541-3006
Correspondent	
Correspondent: KAY LYN SCHWARTZ	

Name/Address: GARDERE WYNNE SEWELL LLP, IP SECTION
1601 ELM ST
STE 3000
DALLAS, TEXAS UNITED STATES 75201-4761

Phone: (214) 999-4702

Fax: 214-999-3623

Correspondent e-mail: ip@gardere.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 16, 2012	REGISTERED-PRINCIPAL REGISTER	
Jul. 31, 2012	PUBLISHED FOR OPPOSITION	
Jul. 11, 2012	NOTICE OF PUBLICATION	
Jun. 25, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jun. 21, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 21, 2012	EXAMINER'S AMENDMENT ENTERED	66213
Jun. 21, 2012	EXAMINERS AMENDMENT MAILED	
Jun. 20, 2012	EXAMINERS AMENDMENT -WRITTEN	77657
Jun. 15, 2012	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jun. 11, 2012	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
May 30, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
May 17, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 09, 2012	EXAMINER'S AMENDMENT ENTERED	66213
May 09, 2012	EXAMINERS AMENDMENT MAILED	
May 08, 2012	EXAMINERS AMENDMENT -WRITTEN	77657
May 08, 2012	AMENDMENT FROM APPLICANT ENTERED	66213
May 08, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Apr. 17, 2012	ASSIGNED TO LIE	66213
Apr. 17, 2012	ASSIGNED TO LIE	73797
Apr. 10, 2012	PAPER RECEIVED	
Feb. 17, 2012	NON-FINAL ACTION MAILED	
Feb. 16, 2012	NON-FINAL ACTION WRITTEN	77657
Feb. 10, 2012	ASSIGNED TO EXAMINER	77657
Nov. 01, 2011	APPLICATION FILING RECEIPT MAILED	
Oct. 28, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 16, 2012

Generated on: This page was generated by TSDR on 2016-06-06 18:27:41 EDT

Mark: JACKALOPE

JACKALOPE

US Serial Number: 85755111

Application Filing Date: Oct. 16, 2012

US Registration Number: 4338789

Registration Date: May 21, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 21, 2013

Publication Date: Mar. 05, 2013

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: sausages

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2008

Use in Commerce: Jun. 30, 2008

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Hunters Reserve, Inc.

Owner Address: 12861 Industrial Park Blvd.
Plymouth, MINNESOTA 55441
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: MINNESOTA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua G. Gigger

Docket Number: 64241-2

Attorney Primary tm-slc@stoel.com

Attorney Email No

Email Address:

Authorized:

Correspondent

Correspondent JOSHUA G. GIGGER

Name/Address: STOEL RIVES
201 S MAIN ST STE 1100
SALT LAKE CITY, UTAH 84111-2208
UNITED STATES

Phone: (801) 328-3131

Fax: (801) 578-6999

Correspondent e-mail: tm-slc@stoel.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 21, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 05, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 05, 2013	PUBLISHED FOR OPPOSITION	
Feb. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 25, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 25, 2013	ASSIGNED TO EXAMINER	89010
Oct. 19, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 19, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 21, 2013

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Mark: THE JACKALOPE LEGENDARY HOT SAUCE



US Serial Number: 86177895

Application Filing Date: Jan. 28, 2014

US Registration Number: 4600810

Registration Date: Sep. 09, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 09, 2014

Publication Date: Jun. 24, 2014

Mark Information

Mark Literal Elements: THE JACKALOPE LEGENDARY HOT SAUCE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a design of a mythical jackalope surrounded by two women in bikini tops over and within an outline of Texas with stars in the background. At the top of the mark is the stylized wording "THE JACKALOPE" and at the bottom the stylized wording "LEGENDARY HOT SAUCE".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "HOT SAUCE"

Design Search Code(s): 01.01.10 - Stars, three or more; Three or more stars
01.01.13 - Stars - multiple stars with five points
01.17.12 - Texas, map of; Maps of Texas
02.03.19 - Underwear (women wearing); Underclothes (women wearing); Lingerie (women wearing); Bathing suits (women wearing); Nude women, women wearing underclothes, bathing suits or brief attire
02.07.02 - Groups, females
03.09.01 - Hares; Rabbits; Bunnies
03.09.24 - Stylized small mammals, rodents, kangaroos, wallabies
03.13.25 - Tails of four-footed mammals or primates (excluding humans); Tusks of four-footed mammals or primates (excluding humans); Teeth of four-footed mammals or primates (excluding humans); Snouts of four-footed mammals or primates (excluding humans); Other parts of four-footed mammals or primates (excluding humans); Ears of four-footed mammals or primates (excluding humans); Eyes of four-footed mammals or primates (excluding humans)
04.05.25 - Other mythological or legendary animals
11.03.02 - Beer steins or mugs; Cups, beer mugs; Tankards; Mugs, beer

Related Properties Information

Claimed Ownership of US Registrations: 4128414

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Hot sauce

International Class(es): 030 - Primary Class **U.S Class(es):** 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 20, 2004 **Use in Commerce:** Dec. 26, 2013

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Burton, Jason

DBA, AKA, Formerly: DBA The Jackalope

Owner Address: 7601 Shelton Road
Austin, TEXAS 78725
UNITED STATES

Legal Entity Type: INDIVIDUAL **Citizenship:** UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anderson M Simmons

Attorney Primary Email Address: andy@simmonspc.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: ANDERSON M SIMMONS
LAW OFFICE OF ANDERSON M. SIMMONS
702 RIO GRANDE ST
AUSTIN, TEXAS 78701-2720
UNITED STATES

Phone: 5124998688 **Fax:** 5124998688

Correspondent e-mail: andy@simmonspc.com info@simmonspc.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 09, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 24, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 24, 2014	PUBLISHED FOR OPPOSITION	
Jun. 04, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 20, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
May 19, 2014	ASSIGNED TO LIE	73296
May 05, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 01, 2014	EXAMINER'S AMENDMENT ENTERED	88888

May 01, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 01, 2014	EXAMINERS AMENDMENT E-MAILED	6328
May 01, 2014	EXAMINERS AMENDMENT -WRITTEN	90293
May 01, 2014	ASSIGNED TO EXAMINER	90293
Feb. 11, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 08, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 31, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 09, 2014

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Mark: JACKALOPE

JACKALOPE

US Serial Number: 86403614

Application Filing Date: Sep. 23, 2014

US Registration Number: 4857741

Registration Date: Nov. 24, 2015

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 24, 2015

Publication Date: Sep. 08, 2015

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Ceramic pottery, namely, ceramic vessels, vases, bowls, plates and pots

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1976

Use in Commerce: Sep. 30, 1979

For: Retail store services featuring home furnishings, imported furniture, garden and decorative pottery, planters, outdoor and indoor pottery pieces, home accent pieces, housewares, namely, glasses, plates, mugs, kitchen utensils, and cookware, lamps and vases, candles, rugs and textiles, bedspreads, pillows, linens, table cloths, and table mats, silk, dried, and artificial flowers and baskets

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1976

Use in Commerce: Sep. 30, 1979

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GLOBAL HOUSE, INC.
Owner Address: 4505 BANDINI BOULEVARD
VERNON, CALIFORNIA 90058
UNITED STATES
Legal Entity Type: CORPORATION
State or Country: NEW MEXICO
Where Organized:

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Jeffrey L. Squires
Docket Number: 31056-1001
Attorney Primary Email Address: docketing@peacocklaw.com
Attorney Email Authorized: Yes
Correspondent
Correspondent Name/Address: JEFFREY L. SQUIRES
PEACOCK MYERS, P.C.
PO BOX 26927
ALBUQUERQUE, NEW MEXICO 87125
UNITED STATES
Phone: (505) 998-1500
Fax: (505) 243-2542
Correspondent e-mail: docketing@peacocklaw.com fyobino@peacocklaw.com jmyers@peacocklaw.com file@peacocklaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2016	CERTIFICATE OF CORRECTION ISSUED	73376
Feb. 03, 2016	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jan. 01, 2016	POST REGISTRATION ACTION MAILED - SEC. 7	73376
Jan. 01, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Dec. 16, 2015	TEAS SECTION 7 REQUEST RECEIVED	
Nov. 24, 2015	REGISTERED-PRINCIPAL REGISTER	
Nov. 04, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 08, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 08, 2015	PUBLISHED FOR OPPOSITION	
Aug. 19, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 06, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Aug. 01, 2015	ASSIGNED TO LIE	68552
Jul. 21, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 21, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 21, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 21, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 21, 2015	EXAMINERS AMENDMENT -WRITTEN	73708
Jul. 14, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 13, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 13, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 13, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2015	NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2015	NON-FINAL ACTION WRITTEN	73708
Jan. 11, 2015	ASSIGNED TO EXAMINER	73708
Oct. 01, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 26, 2014	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: In the Statement, lines 1-3, should be deleted, and, "GLOBAL HOUSE, INC. (NEW MEXICO CORPORATION), 4505 BANDINI BOULEVARD, VERNON, CA 90058" should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 12, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: GLOBAL HOUSE, INC.

Assignment 1 of 2

Conveyance: COURT APPOINTMENT OF TRUSTEE

Reel/Frame: [5718/0752](#)

Pages: 19

Date Recorded: Jan. 28, 2016

Supporting Documents: [assignment-tm-5718-0752.pdf](#)

Assignor

Name: [MCQUADE, CHARLES H](#)

Execution Date: Jul. 08, 2015

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee

Name: [SPECIAL MASTER. OF AND FOR THE FIRST JUDICIAL DISTRICT COURT, COUNTY OF SANTA FE, NEW MEXICO](#)

Legal Entity Type: TRUSTEE

State or Country: UNITED STATES
Where Organized:

Address: P.O. BOX 2268
SANTA FE, NEW MEXICO 87504-2268

Correspondent

Correspondent Name: PEACOCK MYERS, P.C.

Correspondent Address: P.O. BOX 26927
ALBUQUERQUE, NM 87125

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5653/0758](#)

Pages: 3

Date Recorded: Oct. 27, 2015

Supporting Documents: [assignment-tm-5653-0758.pdf](#)

Assignor

Name: [WILLIAM J. COOKSEY](#)

Execution Date: Oct. 04, 2015

Legal Entity Type: SPECIAL MASTER. OF AND FOR THE FIRST JUDICIAL DISTRICT COURT, COUNTY OF SANTA FE, STATE OF NEW MEXICO

State or Country: UNITED STATES
Where Organized:

Assignee

Name: [GLOBAL HOUSE, INC.](#)

Legal Entity Type: CORPORATION

State or Country: NEW MEXICO
Where Organized:

Address: 4505 BANDINI BOULEVARD
VERNON, CALIFORNIA 90058

Correspondent

Correspondent Name: PEACOCK MYERS, P.C.

Correspondent P.O. BOX 26927
Address: ALBUQUERQUE, NM 87125

Domestic Representative - Not Found

Exhibit F

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Mark: JACKALOPE

Jackalope

US Serial Number: 86499860

Application Filing Date: Jan. 09, 2015

US Registration Number: 4799159

Registration Date: Aug. 25, 2015

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 25, 2015

Publication Date: Jun. 09, 2015

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Bicycle wheels

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 01, 2014

Use in Commerce: Nov. 01, 2014

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Trek Bicycle Corporation

Owner Address: 801 West Madison St

Waterloo, WISCONSIN UNITED STATES 53594

Legal Entity Type: CORPORATION

State or Country WISCONSIN
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Eric Huston

Attorney Primary Email Address: lisa_smith@trekbikes.com

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: ERIC HUSTON
Trek Bicycle Corporation
801 W Madison St
Waterloo, WISCONSIN UNITED STATES 53594-1379

Phone: 920-478-2191

Correspondent e-mail: lisa_smith@trekbikes.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 25, 2015	REGISTERED-PRINCIPAL REGISTER	
Jun. 09, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 09, 2015	PUBLISHED FOR OPPOSITION	
May 20, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 15, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 15, 2015	ASSIGNED TO EXAMINER	81139
Jan. 22, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 13, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

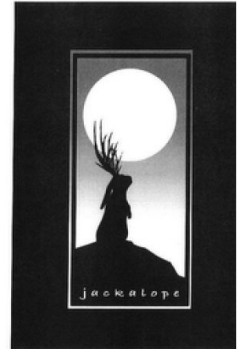
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 25, 2015

Generated on: This page was generated by TSDR on 2016-06-06 18:36:31 EDT

Mark: JACKALOPE



US Serial Number: 77587704

Application Filing Date: Oct. 07, 2008

US Registration Number: 3706689

Registration Date: Nov. 03, 2009

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 03, 2009

Publication Date: Mar. 31, 2009

Notice of Allowance Date: Jun. 23, 2009

Mark Information

Mark Literal Elements: JACKALOPE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a "jackalope" sitting on a mound with a moon overhead and the wording "JACKALOPE" beneath the mound. The entire mark is encased in a box.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.11.01 - Full moons (not a moon with craters)
03.09.01 - Bunnies; Hares; Rabbits
03.13.03 - Horns (of animal) along (not part of heads), antlers
06.01.04 - Mountains (landscapes); Scenery with mountains
26.11.20 - Rectangles inside one another
26.11.21 - Rectangles that are completely or partially shaded

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Publications, namely, comic books and comic magazines and printed stories in illustrated form featured in books and magazines

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 02, 2009

Use in Commerce: Feb. 02, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Reilly, Patrick J.
Owner Address: 160 Highland Ave
Ridgewood, NEW JERSEY 07450
UNITED STATES
Legal Entity Type: INDIVIDUAL
Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: REILLY, PATRICK J.
160 HIGHLAND AVE
RIDGEWOOD, NEW JERSEY 07450-4002
UNITED STATES

Phone: (201) 447-1375

Correspondent e-mail: pjreilly@earthlink.net

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 03, 2009	REGISTERED-PRINCIPAL REGISTER	
Sep. 27, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	73787
Sep. 25, 2009	ASSIGNED TO LIE	73787
Sep. 22, 2009	ASSIGNED TO LIE	59554
Sep. 20, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 01, 2009	STATEMENT OF USE PROCESSING COMPLETE	61813
Aug. 03, 2009	USE AMENDMENT FILED	61813
Sep. 01, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Aug. 03, 2009	TEAS STATEMENT OF USE RECEIVED	
Jun. 23, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 31, 2009	PUBLISHED FOR OPPOSITION	
Mar. 11, 2009	NOTICE OF PUBLICATION	
Feb. 20, 2009	WITHDRAWN FROM PUB - TQR/NON-ATTY REQUEST	74704
Feb. 10, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76539
Feb. 10, 2009	ASSIGNED TO LIE	76539
Jan. 30, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 14, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 14, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 14, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 24, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 24, 2008	NON-FINAL ACTION E-MAILED	6325
Nov. 24, 2008	NON-FINAL ACTION WRITTEN	76833
Nov. 24, 2008	ASSIGNED TO EXAMINER	76833

Oct. 11, 2008 NOTICE OF DESIGN SEARCH CODE MAILED
Oct. 10, 2008 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 27, 2009